

# PASSPORT DELAYS: AFFECTING SECURITY AND DISRUPTING FREE TRAVEL AND TRADE

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## HEARING BEFORE THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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## **PASSPORT DELAYS: AFFECTING SECURITY AND DISRUPTING FREE TRAVEL AND TRADE**

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**WEDNESDAY, JULY 11, 2007**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:04 a.m. in room 2172, Rayburn House Office Building, Hon. Thomas Lantos (chairman of the committee) presiding.

Chairman LANTOS. The committee will come to order.

The U.S. passport system is broken, and Americans are paying a painful price. Every citizen of our Nation has the right to hold a passport, and getting one should be a matter of a few weeks' wait at most, but millions of American, our constituents, have been reduced to begging and pleading, waiting for months on end simply for the right to travel abroad. We are here today to see that this national embarrassment gets fixed and fixed fast. This is not brain surgery. It is merely a matter of proper planning and sufficient personnel.

Last week I visited the regional passport office in my congressional district in San Francisco. Hundreds of would be travelers were lined up out the door and around the block. Many had arrived at dawn with small children in tow. Some were desperate to get the one document that will let them to see ailing relatives overseas. Many university students were anxious about missing classes at the start of their programs of study abroad.

One man I met flew in from Los Angeles in hope of finding a shorter line in San Francisco so he could get his passport, fly back to Los Angeles, and leave for a trip the very next day.

Behind the scenes of the bustling passport agency, I witnessed hard-working employees who had been staying through the night and giving up their weekends to work their way through the backlog of applications. At other passport bureaus across our land, the State Department has shipped in junior staff and re-hired retirees to meet the crushing demand. None of this should have been necessary. For lack of simple foresight, the administration has placed tremendous strain on these public servants, and the public as a whole.

The State Department was caught flat-footed after Congress passed the law almost 3 years ago requiring travelers to show passports if they were returning from anywhere in the Western Hemisphere. The Bureau of Consular Affairs had projected that demand created by this so-called Western Hemisphere Travel Initiative would rise from 12 million passports last year to 16 million in

2007, but now we hear that the demand may approach or even exceed 18 million before the year is out.

We tried to help the department cope. This committee produced the law to permit a surcharge on passport applications so that more passport workers could be brought on board, but hiring has proceeded at a snail's pace, and training has been lethargic. There have been more prosaic problems too. The regional director in San Francisco told me space was too tight to accommodate the number of people needed to process all the applications, and shockingly enough, there weren't enough printers to churn the needed passports out.

What a travesty, and all too reminiscent of how badly the administration botched the job of planning and responding to Hurricane Katrina in 2005, but this time we saw the storm coming 3 years in advance. Yet the administration still failed to act.

It would take hundreds, perhaps thousands, of additional so-called adjudicators, the people who decide whether an applicant receives a passport, to reduce the massive delays, but it takes up to a year for each of them to receive a security clearance and complete the necessary training, and only now are new adjudicators being hired.

Meanwhile, congressional offices across the land are being flooded with phone calls from outraged citizens. They wonder if their passports have fallen into a black hole. In my district office alone, we have helped hundreds of people who were about to see months of careful planning to go down the drain because they simply could not get their hands on an American passport. We have had to intervene and we did so willingly because the public's phone calls to regional passport bureaus and to Consular Affairs have gone unanswered on tens of thousands occasions.

So today I urge the Department of State and the Department of Homeland Security to fix the system and soon. Bring new workers online now and don't put into place the passport requirement for land and sea travelers until the processing situation is fully under control. The State Department says the delay to receive a passport will be down to 8 weeks by the end of September and 6 weeks by the end of the year. I don't believe it. Based on my discussions in San Francisco, the wave of passport applications has not even begun to crest. Every objective observer seems to think the State Department projections are wisely unrealistic.

Perhaps Ambassador Harty can offer us some reason to be more sanguine for the sake of the millions of Americans who want or need to travel abroad. Endless delays in exercising every citizen's right to a passport are outrageous and unacceptable.

I now turn with pleasure to my good friend and fellow California, Congressman Dana Rohrabacher for any opening comment he might wish to make?

Mr. ROHRABACHER. Thank you very much, Mr. Chairman, and it has certainly been my honor to serve with you, and I am very impressed even as a Republican at the terrific job that you have been doing, and I would say the sense of responsibility and professionalism of this committee over these last 6 months, and today we are looking at an issue, and I congratulate you for not just looking at these—how do you say—renowned and very significant to the

world international issues that we cover, but also watching out for the American people, which is part of our oversight responsibility in dealing with the problems of people just entering and exiting this country, and in a very practical sense we are watching out for their interests, and that is what this hearing is all about.

But secure borders, let me note, have much more to do, or have much more to do than just the convenience of the American people because when we are talking about this very issue, and this leads us into some other areas that are what I feel, yes, not necessarily more significant to the convenience of people trying to go on their vacations, which is important, or go on business trips, but our system also goes to the heart of America's national security, and we were told, for example, that there was going to be a Z visa issued as part of this—remember that was part of this whole effort to pass the immigration bill. There was going to be a Z visa issued to anyone who was applying for the temporary guest worker program, and part of that bill was a demand that that visa be provided within 24 hours of an application.

I think it is fascinating that we are basing a significant piece of legislation on a demand in that legislation that a visa be issued within 24 hours when we can't get an American citizen with no criminal record and who has a long track record a passport within weeks or months. So something is off kilter here.

We still apparently do not know, and I will be asking about this today, who is entering and who is leaving this country. We need to know about that and how that program is, supposedly we are working on that, and I want to know how that is coming about, and whether that is working, and I understand there is some problems with that basically along with some of the other things that we are going to be discussing.

But when we look at this whole area, I become alarmed not just at the inconvenience of our people, which is of importance to me, but also there are some more sinister implications to some of the things that have been happening, and it is not just a case of bureaucratic inefficiency in some of the things I have focused on. As part of an ongoing investigation that I have been involved with from last year, in our Subcommittee of Oversight and Investigation, we have been investigating a particular situation in which a drug smuggler who had been stopped by border patrol agents, but this drug smuggler was actually set free and was given immunity, and the border patrol agents who did not follow procedures were prosecuted, and this was a conscious decision by U.S. Attorney Johnny Sutton.

Well, how this leads into this hearing is that I have been requesting as part of our oversight and investigation responsibilities, I have been investigating the decision behind granting this immunity of whether that was done with some sort of agreement or some sort of cooperation with the Mexican Government, but also how it leads right into the hearing today is the fact that this drug smuggler, after being stopped by the border patrol agents, was granted papers that permitted him to go back and forth across the border.

Now, that goes directly to what we are talking about today where our own people are finding it difficult to travel across the border, this administration seems to be willing to grant a drug smuggler,

someone who has already been arrested for drug smuggling, the right to cross our border, and let me note that this drug smuggler was identified later as someone who was involved with a second major drug shipment.

My attempts to investigate this issue, Mr. Chairman, and to ask questions that deserve to be answered of the people from this administration, not just the bureaucracy, but the people appointed by this President have been met with a stone wall, and I want to know why, and I want to know if there is going to be further cooperation or any cooperation in this investigation, and I will be delving not only into this issue, which is important to the convenience of our people, but also to some very serious issues of either competence or decision-making of this administration, and certainly this administration's unwillingness to cooperate with lawful oversight investigation inquiries by this Congress, and even by a Republican member of this Congress.

So thank you very much, Mr. Chairman.

Chairman LANTOS. Thank you very much, Mr. Rohrabacher.

Without objection, the opening statement of the committee's ranking Republican member, Ms. Ros-Lehtinen, will be entered into the record at this point.

[The prepared statement of Ms. Ros-Lehtinen follows:]

PREPARED STATEMENT OF THE HONORABLE ILEANA ROS-LEHTINEN, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

I would like to welcome Assistant Secretary Harty from the State Department and Acting Assistant Secretary Rosenzweig from the Department of Homeland Security.

We are here today to discuss issues of great importance to the American people.

First, our discussion aims to focus attention on a question that all Americans want answered: just exactly how secure are we from infiltration by those who would do us harm?

Secondly, today's hearing seeks to answer the question: how prepared are we?

Do we have the necessary mechanisms in place to help prevent the issuance of visas to would-be terrorists, as with the 9/11 hijackers who possessed U.S. visas, while also providing our citizens with the necessary travel documentation in a timely fashion?

Within this broader context, I would like to turn to the immediate issue at hand: the two to three million backlog in the issuance of passports for American citizens who wished to travel abroad this summer.

Many of those citizens waited ten to twelve weeks with no official response.

Some then called the National Passport Information Center to seek an update on their passport applications.

They report that all they got was a recorded message telling them that no one was available to take their call and that they should phone back later.

One must wonder, if the State Department performs in this fashion in response to the current passport application surge, how will it cope in an unexpected emergency?

What of a situation where either a natural disaster or a terrorist attack overseas, requires the immediate evacuation of hundreds or even thousands of American citizens?

What lessons did the Department of State learn from the evacuation of U.S. travelers and citizens from Lebanon that could be applied more broadly?

And if the crisis is one at home, is the Department of Homeland Security prepared to step in and meet the challenge?

Miami is the gateway to many of the overseas destinations affected by the new Western Hemisphere passport requirements—including the Caribbean, Bermuda and Mexico.

My Miami office has been deluged with calls from anxious constituents who have had their travel plans effected by this passport issuance setback.

I have also learned that the line snakes around the corner at the Passport Agency office in the Claude Pepper Federal Building in Miami as distressed citizens wait for passport assistance.



I would like to commend, however, the Herculean efforts of Ivette Rodriguez, Liza Escobar and Ana Karina Mercado of the Miami Passport office, as they have labored diligently and in a professional manner to work with us in resolving the unprecedented number of applications they have been asked to process this year.

I would like to hear both witnesses' comments on contingency planning by their respective Departments to prepare for such future emergencies.

And what are your two Departments' plans for anticipated future increases in your workload?

How, for example, will the Department of Homeland Security implement border document inspection when the new Western Hemisphere Travel Initiative comes into full effect?

How will you handle, Mr. Rosenzweig, passport and document checks in an efficient manner at busy U.S. entry points?

How can you ensure both enhanced border security and the continued thriving commerce and tourism, which bring thousands to our nation on a daily basis?

Turning to State, Assistant Secretary Harty, what steps have been undertaken to address issues relating to visa waiver programs?

What plans has the State Department made for increased travel by U.S. citizens abroad in the months and years ahead?

What kind of service, for example, can U.S. citizens expect when they apply for passports next year to travel overseas?

What kind of emergency assistance can they expect from U.S. embassies if they lose their passport, are robbed, become ill?

Will there be State Department officers on call to assist them?

The experience of one U.S. citizen who needed help in China, for example, gives the Committee cause for concern.

Last year, this Committee conducted an investigation into the death of this citizen, Darren Russell, an English teacher.

Darren died suddenly and mysteriously two years ago while working in Guangzhou (GWANG-JOE).

His mother, Mrs. Maxine Russell of California, a member of the same synagogue as fellow Committee Member, Mr. Berman, is still seeking answers—including her concerns about the responsiveness of our Consulate to her son's emergency.

I look forward to hearing from both of our witnesses today on the steps undertaken to remedy, improve, and strengthen our passport and visa processing mechanisms, while carefully balancing security concerns with public diplomacy goals and trade priorities.

Chairman LANTOS. I am pleased to recognize for brief openings statements all of my colleagues. We begin with Mr. Ackerman.

Mr. ACKERMAN. Let me see, heretofore millions of Americans traveled in the Western Hemisphere without being required to have a passport. The rules changed and a passport was required some 3 years ago. One would expect somebody to have taken note and perhaps concluded that maybe millions of additional Americans were going to apply for a passport. Duh.

Now it seems that the administration that brought us the response to Hurricane Katrina has now ruined our summer vacation. I know that Mother Nature can be rude and do things that are unexpected, but I think one can almost plan that there are going to be hurricanes in New Orleans, and perhaps one can understand that if Mother Nature only gave us 5 days warning when we picked this up on the radar screen, that a proper response maybe could not have been mobilized in time.

But certainly we saw this storm coming 3 years ago, and it kind of concerns a lot of people why we can't plan for responses to hurricanes, knowing that they happen, and can't plan for major events around the world, some more serious than passports, and why with 3 years lead time could we not plan properly for this.

The inundation of our offices by complaints from our constituents is a minor inconvenience to us, but a major problem for United States citizens. Tens of thousands of them sent in lots of money to

expedite their passports. One thing I would just like to know out of curiosity is that money to expedite going to be returned to those people. Certainly they didn't get what they paid for, and we didn't get the kind of proper planning and response and preparation for the passport applications that we expected.

I ask that my formal statement be placed in the record.

Chairman LANTOS. Without objection.

[The prepared statement of Mr. Ackerman follows:]

PREPARED STATEMENT OF THE HONORABLE GARY L. ACKERMAN, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF NEW YORK

Thank you Mr. Chairman for calling today's hearing to address a problem that from the beginning was utterly foreseeable and entirely avoidable: utterly foreseeable because the State Department knows that millions of Americans travel to the Western Hemisphere for vacation or business every year, and entirely avoidable because the State Department also knew that millions more Americans would apply for passports to fulfill the new travel requirements.

In fact, the Administration has known this problem was coming since December of 2004 when the President signed the Intelligence Reform and Terrorism Prevention Act. They knew that by January 1, 2008 the Departments of Homeland Security and State would be required to implement a plan to use passports or other documents or combinations of documents for all travel into the United States. But even with three years lead time, the Administration that brought you the response to Katrina have now managed to ruin your summer vacation.

It's not as though Congress required new documents or changed the requirements for passport applications. All of that remained the same. All that changed was that more Americans applied. Lot's more. But the Administration, true to form, failed to plan for what everyone else could foresee. They failed to marshal the resources necessary to resolve a simple process problem.

Instead, every Congressional office is now preoccupied with the task of digging constituent passport requests out of mountains of paper in New Hampshire. My office and I'm sure every other office has multiple stories of last minute interventions to save a long awaited vacation, a crucial business trip, or an eagerly anticipated student exchange.

This failure has resulted in the Department postponing the deadline to fully implement the law, developing "work-arounds" to allow Americans to travel and only belatedly hiring staff, redeploying existing staff and asking retirees to come back and help out. Why the Department didn't hire enough staff three years ago is beyond me. I hope we get an answer to that question as well as a plan to get Americans their passports in something that looks like a timely fashion.

Thank you, Mr. Chairman.

Chairman LANTOS. Mr. Royce of California.

Mr. ROYCE. Thank you, Chairman Lantos.

I am going to ask that my formal statement be put in the record.

Chairman LANTOS. Without objection.

Mr. ROYCE. In my district office, Patty Shay, who has worked for me since I entered Congress, has helped hundreds of my constituents with these new passport rules. The most frustrating thing for our constituents is that they have done what the government has asked them to do. They applied early, yet the government wasn't ready despite the fact that the government had some 3 years to focus on this.

The influx of passport applications and the demands on the Consular Affairs to get them to Americans as fast as possible also raises some fraud concerns. We had recent testimony where Assistant Secretary Harty referred to Consular Affairs as a "service organization." As I understand it, while the number of adjudicators has gone up, the number of diplomatic security agents charged with investigating passport fraud has not.

With the increase in passport applications, it is important that our anti-passport fraud efforts not be hampered. That is why I will soon be introducing legislation that will expand the choice of venue available when prosecuting passport fraud to ensure that it is aggressively prosecuted. There are some venues now where effectively it cannot be.

Thank you again, Mr. Chairman, for holding this hearing today.  
[The prepared statement of Mr. Royce follows:]

PREPARED STATEMENT OF THE HONORABLE EDWARD R. ROYCE, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF CALIFORNIA

Thank you Chairman Lantos for holding this hearing on a problem that has frustrated many constituents in all of our districts.

The State Department has had the responsibility of issuing passports since 1789. 2007 hasn't been one of its better years. In my district office Patty Shay, who has worked for me since I entered Congress, has helped *hundreds* of my constituents grapple with the new passport rules. We have helped churches with mission trips, soccer teams playing in Sweden, honeymoons, births, deaths and of course, vacations. The most frustrating thing for our constituents is that they've done what the government has asked them to do: they applied early and followed the guidelines, yet the government, for some reason, wasn't ready. This despite the fact that the State Department had *two years* to plan for this expected increase.

The State Department, as part of its strategy to address this demand has assigned about 300 junior officials to eight week stints of passport duty. One of these individuals told the *Washington Post* dismissively, that "they were looking forward to doing something high-priority." I'll chalk that up to inexperience. While this work may not seem attractive to some, it is *high-priority*. Many Americans have already paid a price in time, energy and money. Moreover, passports are the gold-standard of identity documents, and a passport in the wrong hands could have deadly consequences.

The massive influx of passport applications and the demands on the Bureau of Consular Affairs to get them to Americans as fast as possible does raise passport fraud concerns. Indeed, in Senate testimony last month, Assistant Secretary Harty referred to Consular Affairs as "a service organization." As I understand it, while the number of adjudicators has gone up, the number of Diplomatic Security Agents charged with investigating passport fraud, has not.

With the huge influx of passport applications, it is important that our anti-passport fraud efforts not be hampered. That is why I will soon introduce legislation that would expand the choice of venue available when prosecuting passport fraud, ensuring that it is aggressively prosecuted.

Thank you.

Chairman LANTOS. Thank you very much.

Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Mr. Chairman, I wanted just to thank our witnesses for coming this morning to testify. I had hoped that perhaps that we could attach passports along with visas as another serious issue, but I am sure that we will have this as a matter of discussion at another hearing. I look forward to hearing from our witnesses this morning.

I do associate myself with the comments made earlier by my good friend, the gentleman from California, concerning our national security issues and involvement of passport and visas, but at the same time I would like to hope that this is a free country and hopefully that our friends downtown will make available the services and the expectations that the American people have had to make sure that this service is provided adequately for their needs.

One of the curious problems that I have met with several of the passport agents, they don't seem to consider themselves as part of the State Department. They always seem to think of themselves as something less, or maybe they are not being treated as equals

among those who service in the State Department, and perhaps Ambassador Harty can address that issue for us this morning.

Thank you, Mr. Chairman.

Chairman LANTOS. Thank you very much.

Mr. Barrett.

Mr. BARRETT. Thank you, Mr. Chairman, and I would like to echo the chairman's concerns to our panel. Charleston, South Carolina, deals with our passports in South Carolina. Normally in a year they carry about or deal with about 50,000 passports. Right now they are in excess of 600,000 passports waiting to be finalized or waiting to be processed down there. So I look forward to the panel's testimony on how we are going to fix this problem.

Chairman LANTOS. Thank you.

Mr. Delahunt.

Mr. DELAHUNT. Thank you, Mr. Chairman, and I want to commend you for calling this hearing. I think it is extremely important, and I also want to acknowledge Ambassador Harty. We have worked for an extensive period of time on the issue of the implementation of the Hague Convention on Inter-Country Adoption. She is an outstanding professional, and I want to say that publicly. I have tremendous respect for her.

I don't know whether this problem is a problem of resources. I suspect it is. We have been waiting for far too long for those technologies that were going to allow us to expedite, not just passports, but also visas, and we have had a hearing in my subcommittee on the decline of international visitors, overseas visitors coming to this country, a decline pre-9/11 of 25 million overseas visitors. To last year it was 20 million. We, as an economy, have suffered huge losses, numbering in excess of \$100 billion, according to the Department of Commerce statistics.

In addition to that, I dare say we are not taking advantage of international visitors coming to this country, welcoming them in a way to assist our public diplomacy efforts, and reversing the unfortunate view that most of the world has about the United States. But I think these are very, very important issues, and I commend the chairman, and look forward to the testimony.

Chairman LANTOS. Thank you.

Mr. Manzullo.

Mr. MANZULLO. Thank you, Mr. Chairman, for holding this timely hearing. I am one of those people who in 2004 voted against Intelligence Reform and Terrorism Prevention Act of 2004. Only 75 members of the House voted against that bill. And when I was chairman of the Small Business Committee, I held a hearing on the Western Hemisphere Travel Initiative. I also chaired for 2 years the U.S.-Canadian Inter-Parliamentary Exchange.

The problem is that when Congress and wants to introduce legislation, it never confers with the principals who have to implement them, and then they have a nightmare on their hands. This is not the problem with the administrative office. I have worked with the Department of State, DHS, and I have found nothing but outstanding professionals who are working extremely diligently to try to overcome this problem—the problems, again, of passing a law and not considering the consequences of it.

We have had almost 500 cases of people trying to get passports contact our office this year. All of last year we had less than 40. There is a bill that has been introduced by Congresswoman Louise Slaughter called the Protecting American Commerce and Travel Act of 2007. I am a co-sponsor on that bill. It gives additional flexibility that our public servants, who are charged with administering this bill, need in order to help our constituents.

I look forward to the testimony. I know it is going to be excellent, and done in a very professional way. Thank you.

Chairman LANTOS. Thank you very much.

Mr. Meeks.

Mr. MEEKS. Thank you, Mr. Chairman. Thank you very much for this appropriate hearing.

I represent a community that is very diverse, very diverse, and for them when you have this backup of passports it is not only for their leisure where they are taking vacations, where there is many Americans that are taking vacations, particularly at this time of year, but for them it is about connection with their families. Many individuals in my district come from—who are now United States citizens—that come from the Caribbean. They have families in the Caribbean, and not being able to access passports means that they are being separated from their families and the fabric of what our society is supposed to stand for.

My office, as Congressman Ackerman has indicated, the inconvenience to us is it is backed up. I just spoke to my district office this morning. They talked about a number of individuals lining up outside, complaining about not being able to get a passport so that for many of them to visit their family, and we have had due notice.

I mean, when you look at, and I think that I saw somewhere that the overtime hours for passport employees have built up to huge numbers, which should give every indication that maybe there is not enough personnel there to handle the applications for passports. Three years, that should have been the signal to say we need to hire more individuals so that we are not denying individuals, or delaying individuals an opportunity get passports. So many individuals because they cannot get it in a timely fashion have put in extra money to get it expedited, which is still not, I don't think, reasonable and just because if someone wanted to visit their family members, some of them, you know, they are putting all of the money that they possibly have in traveling, and so the extra dollars that they are utilizing to pay to have an expedited passport, because they have no other time to get there, is tremendous.

I have a member of my staff who has a similar problem. They work with my office. They had to pay the extra money. They had to try to use the power of the office to see if we could get some expedited exception, and it still is a problem, and they have been trying to do this for awhile now.

So it seems to me that we have got to do better. We have got to do better. I end on just what Mr. Delahunt said, because we are supposed to be the world's leader, and when you talk about even the visa application, et cetera, it looks like we are trying to be different and not what has made this country great, the country that has been full of immigrants, and full of individuals that welcome individuals in.

So it seems almost to some that we are not allowing our citizens to get out because they can't get passports timely, nor are we allowing anybody to come in because they can't get visas. That is the wrong message to the world, and we have got to change it, and I look forward to hearing what the witnesses have to say. Thank you.

Chairman LANTOS. Thank you.

Mr. Bilirakis.

Mr. BILIRAKIS. Yes, Mr. Chairman. Thank you for holding this hearing. In the interest of time, I will go ahead and submit, I would like to submit my opening statement for the record, and I look forward to the testimony, and I have a series of questions. Thank you.

[The prepared statement of Mr. Bilirakis follows:]

PREPARED STATEMENT OF THE HONORABLE GUS BILIRAKIS, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF FLORIDA

Thank you for taking the time to be with us today. I am glad that we are discussing this important issue that has affected the travel of many Americans.

A priority for the United States must be securing our borders. This is partly achieved through the use of passports by Americans traveling by plane between the United States and Canada, Mexico, Central and South America, the Caribbean and Bermuda.

In the future, The Western Hemisphere Travel Initiative (WHTI), as it is known, will be applied to travelers by sea and land. This was a recommendation of the 9/11 Commission, and one that I fully endorse.

However, the State Department's effort to meet the surge of passport requests in the wake of the first phase of WHTI is concerning and far from desirable. The response has been laden with under-estimations and personnel shortages. The result has been a serious backlog of requests, American families and businesses forced to rethink their travel plans, and a growing concern over the limits of the federal government in meeting the needs of those in desperate want of a passport.

It also begs the question of what kind of results we will see in the future as the surge of passport requests remains high and WHTI expands to include passport requirements for travelers at sea and border crossings.

As a response to the increased demand for passports, Congressional District Offices throughout the United States have been flooded with constituent cases. Since March 2007, my Congressional Office alone has received more than 450 calls regarding the delay in passport issuance. Although 350 constituent cases were settled, to which I am grateful to the efforts of the men and women of passport agency, there are still nearly a hundred cases still pending.

A major issue seems to be the logistics behind the operation. The location of passport agencies is not local and often requires travel time up to four hours each way just to settle a passport issuance delay.

I look forward to hearing your testimony today and what has been done to remedy this problem. Additionally, I look forward to hear your medium-to-long-term solutions to prevent such a backlog from happening again.

Chairman LANTOS. Thank you.

Mr. Green of Texas.

Mr. GREEN. Thank you, Mr. Chairman. I would like to submit my full statement in the record.

Chairman LANTOS. Without objection.

Mr. GREEN. And just thank our witnesses for being here. I know in Houston we have had the same problem other members have had, and the Harris County delegation visited our passport office, and Jacqueline Harley Bell, our regional director, and staff are working literally weekends, and I want to thank the State Department for transferring last week, I understood, 400 employees to different locations because it is interesting how the passports are actually created. Some are approved in the local offices, like in Hous-

ton because it is a regional office, but oftentimes it is in New Hampshire or New Orleans, wherever another agency is.

Again, like my colleagues, it is frustrating. This was passed in the legislation, and Homeland Security announced it, and yet the State Department didn't have the foresight to be able to know that a lot of people are going to do it. So I think that is what this hearing is about, and hopefully the appropriations process will be recognized that for them to require passports, not only for air travel, but ultimately for land travel between Mexico and the United States, and they are going to have a whole lot more folks approving those passports.

So thank you, Mr. Chairman, for holding the hearing.

[The prepared statement of Mr. Green follows:]

PREPARED STATEMENT OF THE HONORABLE GENE GREEN, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman, thank you for holding this hearing on what has become a huge problem for tourists and travelers this summer, especially in my hometown of Houston.

The significant application backlog at the Houston passport office is affecting constituents in Texas's 29th District, as well as across the state and in surrounding states.

It has forced many people to resort to standing in lines overnight to get their passports, and canceling vacations and other travel because of the serious delays.

Jacqueline Harley-Bell, the regional director of the Houston passport agency, and the staff have been working long days and weekends, and I commend them for their efforts to serve the public because they have been understaffed and overwhelmed with the number of applications they are getting.

People in Houston have been showing up in the middle of the night, at 2 or 3 in the morning, to get in line for the office to open.

That is something kids do to get tickets to a rock concert or a new CD—it is not something people should have to do to get their passport to take a family vacation.

The Bush Administration changed the requirement that individuals flying to Canada, Mexico, the Caribbean and Bermuda must only present a State Department receipt showing they had applied for a passport through the end of September, but this was a day late and a dollar short for many travelers.

I am concerned this is going to happen again when the second phase of the WHTI takes affect next year, and I am glad the House has taken steps to address it by accepting an amendment to the Homeland Security Appropriations bill to delay implementation of stage 2.

We must ensure this proposal is instituted so we do not see these same backlogs next January, but the State Department must also know that this type of backlog is not acceptable and cannot happen again.

Mr. Chairman, thank you again for holding this hearing, and I look forward to hearing from our witnesses on other steps being taken to correct the enormous application backlog.

Chairman LANTOS. Thank you.

Mr. Poe.

Mr. POE. Thank you, Mr. Chairman.

It is interesting that the Federal Government has had 2 years to prepare for passports, and then when it starts in January, Americans are following the law by getting passports and the government can't do it, and so what the administration does is, okay, we are going to waive the law and just let people who have already applied and not have their passports travel.

The law should be followed. That is what Congress does is pass laws and the administration has the obligation to get it done. And is this the same group that is supposed to be able to handle now this so-called Z visa, if it ever occurs, for 12–20 million people, try to administer visas for these individuals?

It will never happen, and it is just frustrating as Congressman Green and myself, both from the Houston area, have had people apply for passports for months. I will say this: The individual personnel that do the passports for the government do a tremendous job, but they are overburdened by not having enough staff.

So I think the government has the obligation to be efficient, and it is efficient for people who want to travel to the United States and out of the United States, and at some day, according to the 9-11 Commission, which recommended passports for everybody entering and leaving the United States, hopefully that recommendation will be followed now that we are some 6 years since 9/11.

So I think you can sense the frustration of many of us on this committee. We want to know what the plan of action is to get this job done.

Thank you, Mr. Chairman.

Chairman LANTOS. Thank you.

Mr. Miller.

Mr. MILLER. Thank you, Mr. Chairman.

Most members have mentioned or have talked about how inconvenienced their constituents are by the requirements, and that has certainly been true for me. We have had folks, brides take off a day, 2 days before their wedding to drive to Washington to walk through their passport, and turn around and drive home, and apparently that is not convenient 2 days before your wedding. If they weren't bridezillas before, they certainly were bridezillas after that.

But I am also not convinced that we are safer as a result of these requirements. I understand that passport adjudicators now are expected to process one passport every 2½ minutes. Eighty-five percent of the passport adjudicators have signed a petition supporting a position with their union that it is not possible to do the job properly in 2½ minutes. It is not possible to make sure that the application isn't fraudulent, and we certainly see the result of that also in our district office.

We have had folks get back passports with incorrect information, and on a couple of occasions we had people get the wrong passport in the mail, to get someone else's passport in the mail. It is hard to imagine that that is not more of a national security problem than what we are avoiding by trying to apply the passport requirements more broadly.

Chairman LANTOS. Thank you very much.

Mr. Sires.

Mr. SIRES. Thank you, Mr. Chairman, for holding this timely meeting, this hearing on the backlog.

I just want to echo what everybody else has said here. My office in New Jersey has been swamped, and what bothers me is my office also talks about immigration applications. I don't know what the problem is. There seems to be an insensitivity to some of the needs of these people, and I have a district where, like Mr. Meeks, people wait to see their family. It is a very diverse district.

So I am here to listen. I want to thank you for coming and see what we can do, but it is a problem. It is a real problem, and you may succeed in getting one passport for someone, but you failed in getting 15 others, and it makes us look incompetent up here as an



elected official, and as a result of the incompetency that is going on on this passport issue.

Thank you very much.

Chairman LANTOS. Thank you.

Ms. Sánchez.

Ms. SÁNCHEZ. Thank you, Mr. Chairman.

In the interest of time and wanting to get to witness testimony, I am going to forego an opening statement, and just submit it for the record, and I yield back.

Chairman LANTOS. Ambassador Watson.

Ms. WATSON. I would like to follow the lead of Ms. Sánchez, and I certainly have some questions I would like to ask, and I welcome the panel, Mr. Chairman.

Chairman LANTOS. Well, I want to welcome our two witnesses, and before I turn the microphone over to you, let me just make a couple of general observations.

As you obviously heard, the views of the committee are totally nonpartisan. You probably received more severe criticism from my Republican colleagues than from my Democratic colleagues.

Let me also say that—and I know I can speak for every single member of this committee—we want to have pride in the work product of our Government. What we enjoy is having you up here and praising you for a job superbly done, and it simply is incomprehensible to my colleagues and to me that with 3 years advance notice—and I want to underscore that—the Department of Homeland Security and the Department of State had 3 years to prepare for this. This is not an unexpected act of nature. There was legislation and presumably two huge departments could have prepared for this, and yet we get performance, not from the people on the firing line, I couldn't be more impressed by the commitment and dedication of the people in the San Francisco passport office, and I am convinced in passport offices throughout the country. These people are putting in weekends, late nights, overtime, you name it.

But the efficiency of the job is at the level of some less than outstanding third world country, and as you talk to the people standing in line, and I waded out into this mob of people at the San Francisco office a few days ago, and these are very difficult stories. They are trying to visit a grandfather who is about to die and they don't know whether they will make it. They have a college course beginning and they will not make it. They have wedding plans. I mean, it is staggering because these are the problems of ordinary, average American citizens that the Department of Homeland Security and the Department of State should have anticipated, should have planned for, and should have performed better.

This is not a happy hearing from our point of view, and I presume not from your point of view, but it simply is unacceptable at a time when the country is facing very serious problems of a far more existential nature, that such a simple matter, that issuing passports to American citizens has created a nationwide crisis.

Ambassador Maura Harty is Assistant Secretary of State for Consular Affairs, and has served in that post for 4½ years. Earlier, she served as Executive Secretary in the Department, Executive Assistant to the Secretary of State, Managing Director of the Over-

seas Citizens Services, and United States Ambassador to Paraguay. Her current jurisdiction includes the entire passport system.

Mr. Paul Rosenzweig is Counselor to the Assistant Secretary for Policy in the Department of Homeland Security, and Acting Assistant Secretary for International Affairs. He previously served as Assistant Secretary for Policy Development. Prior to joining the Department, he was a fellow at The Heritage Foundation, and teaches at George Mason Law School.

We are very pleased to have both of you, and the floor is yours, Ambassador Harty.

**STATEMENT OF THE HONORABLE MAURA HARTY, ASSISTANT SECRETARY, BUREAU OF CONSULAR AFFAIRS, U.S. DEPARTMENT OF STATE**

Ms. HARTY. Mr. Chairman, thank you very much. Distinguished members of the committee, thank you as well. I appreciate very sincerely this opportunity to discuss how the State Department is working to restore reliable, timely and efficient passport service to the American public while also maintaining the integrity of that process.

I want to thank you, Mr. Chairman, for your visit to the San Francisco Passport Agency last Friday. The staff deeply appreciated your interest and especially your remarks then as well as now about their hard work. I couldn't agree with you more.

The State Department issues one of the most valuable, if not the most valuable, travel document on the planet—the U.S. passport. The Bureau of Consular Affairs is responsible for managing efficient passport application processes and ensuring that passports are issued only to those who have established their identity and U.S. citizenship.

Demand, as we have all seen, is at unprecedented levels and is soaring. We issued 12.1 million passports in all of last year, and already have issued that many this year. We are on pace to issue over 17 million by the end of this year.

As a service organization, as I have called us, we do set very high standards for ourselves. It is what the American people expect and deserve. Throughout our history as an organization, we have, with rare exceptions, met those standards, and I agree with you, Mr. Chairman, that this is not a happy hearing for me either because of all of the things that we have all seen. No one is more aware than I am that in the past several months many travelers who applied for a passport did not receive their document in time for their planned travel. I deeply regret that, and I, too, regard the situation as untenable.

Mr. Chairman, as leader of the Bureau of Consular Affairs, I accept responsibility for this situation and for correcting it. We are taking the steps necessary to restore reliable service as soon as possible. I would like to brief you on the current situation and what we are doing now, and over the longer term to improve it.

We began preparing for increased passport demand when Congress passed the Intelligence Reform and Terrorism Prevention Act in December 2004. That act established the travel documentation requirements that WHTI implements. Based on consultations with our colleagues in the Department of Homeland Security, consulta-

tions with other agencies of government, an analysis of our historical data and projections and a study conducted by an independent contractor, we predicted that we would receive approximately 16.2 million passport applications in fiscal year 2007.

We ramped up capacity steadily in 2005 and in 2006. We hired over 2,500 employees in passport services in less than 3 years. Those were passport adjudicators, fraud prevention managers, line supervisors, and the contractors who perform critical support functions that are non-governmental in nature. Attrition took a toll, so we were basically constantly hiring throughout that time period.

We opened up the seventeenth passport agency in Colorado in 2005, and expanded the physical footprint of our agencies in Boston, Chicago, Houston, New Orleans and Seattle. Our largest passport centers in New Hampshire and South Carolina ramped up and increased their hours dramatically. Today, they are working 24/7. We added shifts at most other agencies. Most recently, just a couple of months ago, we opened a new passport book print facility in Hot Springs, Arkansas, with a capacity to do 10 million passports a year. So we have been in perpetual forward motion over the past 2½ years to carry out our responsibilities.

As I mentioned, we projected we would receive 16.2 million passport applications in the course of fiscal year 2007, but we are on pace now to receive more than that, about 1.5 million more than that. We failed to predict the record-setting compressed demand that we saw beginning last January. Applications increased dramatically in a very short time frame. In the final month before WHTI implementation, December 2006, we received approximately 1 million applications, and then receipts spiked sharply, 1.8 million in January, 1.7 million in February, 2 million in March; 5.5 million applications in a very short period of time. Receipts therefore far exceeded our ability to keep pace with them in the traditional time frame.

It began to take longer to process applications. Our average processing time lengthened from 6 weeks in December to 10 to 12 weeks today. We have updated our Web site accordingly and regularly so that American citizens could be aware of that. Over 219 American citizens looked at that Web site last year.

To return to a predictable 6-week process, we are now employing a host of tactics and tapping talent and resources from every part of the Department to increase staff, to expand facilities, and improve services devoted to passport production. We continue to recruit aggressively. We set up task forces to answer public inquiries and adjudicate passport applications. The one task force that we set up here in Washington already having done 130,000 since mid-March.

We continue to dispatch, as some of you have noted, passport specialists to high counter volume agencies, that is, agencies where we have an awful lot of people coming in, so that we could help them do that work. We have suspended non-essential training and postponed onward assignments of Foreign Service Officers so that we can keep them here and available for passport adjudication. Many retirees have come back on board.

The National Passport Information Center has added over 400 customer service representatives, extended their operating hours

and installed 432 additional phone lines to address the issues we all noted with respect to the phone call system. We established an overflow call center with 100 operators at our Kentucky Consular Center, and another one here at the State Department. We expanded to a fourth call center in Lakeland, Florida, where 165 additional operators began taking calls in June.

We extended our hours, including weekend and evenings, as you all have noted. Our two megacenters are now at 24/7. We are expanding in Miami, in Seattle, Boston, and Washington, and will more than double the size of our national passport center in Portsmouth very soon, this year.

We plan to open a second book print facility, like the one we just opened in Arkansas, in 2008, and possibly several smaller agencies to increase our footprint and make it easier for Americans to come in to see us.

We recently reassigned, as you may have read in the paper, 300 presidential management fellows, career-entry participants and Foreign Service Officers to adjudicate passports in New Hampshire, New Orleans, and Washington for this summer to just wipe away the backlog and get us to where we need to be.

These initiatives require additional resources. That is why we reprogrammed approximately \$37 million, and we are using those additional funds to hire 400 new permanent passport adjudicators this fiscal year, and fund the expansions of the Miami agency and the National Passport Center. As a result of these efforts, we are also issuing record numbers of passports, an average of 1.5 million passports are issued a month. We want to eliminate this backlog just as quickly as we can.

Today's record-breaking demand is not an anomaly. It will continue. We have another workload study underway now but provisionally predict demand for passports will be approximately 23 million in 2008, and as high as 30 million by 2010.

Our extensive outreach, together with our colleagues at the Department of Homeland Security, drove part of this demand, but only part of it, from travelers who are planning air travel, but also from others who were planning any travel and simply didn't realize that they did not require a passport at this time to drive across the border to Canada or to Mexico.

In addition, many, many people who have applied have indicated no immediate plans to travel or no plans to travel at all. They simply recognize that this passport is a premier citizenship and identity document that allows them, yes, to board a plane, but yes also to prove their citizenship for employment purposes here in the United States as that becomes increasingly important to apply for and receive Federal benefits because they need first to prove they are a U.S. citizen. So many, many people have applied for passports because it is a document that does so many valuable things beyond allow you to take an international trip.

Even as we add staff and boost production, Mr. Chairman, we will never shortcut our obligation to the integrity of the passport system or the document itself. We have robust fraud prevention procedures in place. Every single passport application is screened against databases of those not entitled to passports, and scrutinized by adjudicators trained to spot passport fraud. Experienced

managers and fraud specialists are working at all times with task forces and teams I have just described, and we are sending them out to field questions, provide guidance, monitor work, so we cut no corners.

Mr. Chairman, the world of U.S. passport production has changed fundamentally. The Bureau of Consular Affairs has learned important lessons from this experience, and we are taking action to correct the situation and ensure that we have the needed capacity to meet travelers' needs as we move forward.

Ladies and gentlemen, we are committed to meeting the American public's demand for passports. We are committed to achieving for our Nation the security and efficiency benefits of the Western Hemisphere Travel Initiative, and we are committed to constantly improving the efficiency, transparency, and integrity of the passport process.

I thank you very much for this opportunity today to discuss the current situation with regard to passports, and what we are doing to meet unprecedented demand. I am happy to answer your questions. Thank you very much.

[The prepared statement of Ms. Harty follows:]

PREPARED STATEMENT OF THE HONORABLE MAURA HARTY, ASSISTANT SECRETARY,  
BUREAU OF CONSULAR AFFAIRS, U.S. DEPARTMENT OF STATE

Chairman Lantos, Ranking Member Ros-Lehtinen, distinguished members of the Committee,

I appreciate this opportunity to discuss how the Bureau of Consular Affairs (CA) is working to provide American citizens with reliable, secure passports while maintaining the integrity of the passport issuance process.

The U.S. passport is one of the most valuable travel documents in the world. CA is responsible for managing an efficient passport application process, and ensuring that passports are issued only to those who have established their identity and citizenship.

Demand for passports is at unprecedented levels. We issued 10.1 million passports in Fiscal Year 2005 and 12.1 million last year. As of July 2, we have already issued 12 million passports this fiscal year—a 34 percent increase over the same period last year. We are on pace to issue over 17 million by the end of the year. Since March we have averaged more than 1.5 million issuances per month.

Throughout the Bureau of Consular Affairs, at our eighteen passport agencies around the country and here in Washington, thousands of dedicated employees are making every effort to ensure that travelers who apply for passports receive them in time for planned travel. We are meeting travelers' needs in the overwhelming majority of cases. I know, however, that over the past several months, many travelers did not receive their passports in the time frame they expected. I deeply regret that. The current situation is untenable, and we are committed to turning it around.

Last week, Americans marked the 231st anniversary of the Declaration of Independence. On July 4th we recalled those patriots who risked their lives, fortunes and sacred honor to establish a government accountable to the people for the decisions it makes. We honor this tradition of transparency and accountability. We have not met the passport production standards that we had set for ourselves and that Americans have come to expect and rely upon. We are taking the steps necessary to correct the current situation and re-establish passport service that is reliable, predictable and secure.

Mr. Chairman, thank you for your visit to the San Francisco Passport Agency on Friday. The staff deeply appreciated your interest, and especially your remarks acknowledging their phenomenally hard work and long hours over the past months. I know your visit to the agency gave you a vivid picture of the challenge we face to get back on top of our workload, as we have promised to do.

I want to brief you on the current passport situation, and what we are doing to restore the six-week passport turnaround time while we continue to ensure the integrity of the passport issuance process and achieve for our nation the security and efficiency benefits of WHTI.

## HOW DID WE GET HERE? PASSPORT RECEIPTS EXCEEDED EXPECTATIONS

We have been planning for increased passport demand since Congress passed the Intelligence Reform and Terrorism Prevention Act (IRTPA) in December of 2004. IRTPA included a provision requiring all travelers to have a passport or other combination of documents establishing identity and citizenship to travel into and out of the United States. WHTI implements that provision.

Following passage of IRTPA, we had two years to plan for the expected increase in passport demand. We analyzed our own figures, and commissioned a survey of projected demand conducted by an independent contractor. Drawing on consultations with DHS and historic demand trends, we projected that we would receive approximately 16.2 million passport applications in FY 2007, 31 percent more than our 2006 receipts.

Over the past two years, we have been in perpetual forward motion to meet the requirements of the new law. We ramped up capacity to meet projected demand, adding staff, expanding facilities, and enhancing service.

*Additional Staff*

We hired 441 employees in Passport Services in FY 2005, 925 in FY 2006, and 1,222 thus far in FY 2007—a total of 2,588 in less than three years. These figures include fraud prevention staff, trainers and managers, passport adjudicators, and the contractors who perform critical non-adjudicative functions at our passport agencies. Attrition took a toll, so we are virtually always hiring.

*Expanded Facilities*

We opened the Colorado Passport Agency in October 2005, and expanded our agencies in Boston, Chicago, Houston, New Orleans, and Seattle. We opened a mega-center in Hot Springs, Arkansas in March of this year. The Arkansas Passport Center (APC) has printed over 260,000 passports since opening its doors, and will be able to produce 10 million passports annually when it reaches full capacity later this year.

We had a setback: Hurricane Katrina had an impact on our operations. Before Katrina, the New Orleans Passport Agency processed approximately 20 percent of our overall workload; in preparation for WHTI we had planned to increase that share to roughly 25 percent. Following Katrina, the New Orleans facility was out of commission for five months. It re-opened in February 2006 with a capacity to process only 10 percent of total passport demand; the remaining workload was transferred to our agencies in Charleston, SC and New Hampshire. Production has since increased, and New Orleans currently processes somewhat more than 10 percent of our (much larger) workload. Our tough and resilient New Orleans staff will continue to work hard to grow their capacity.

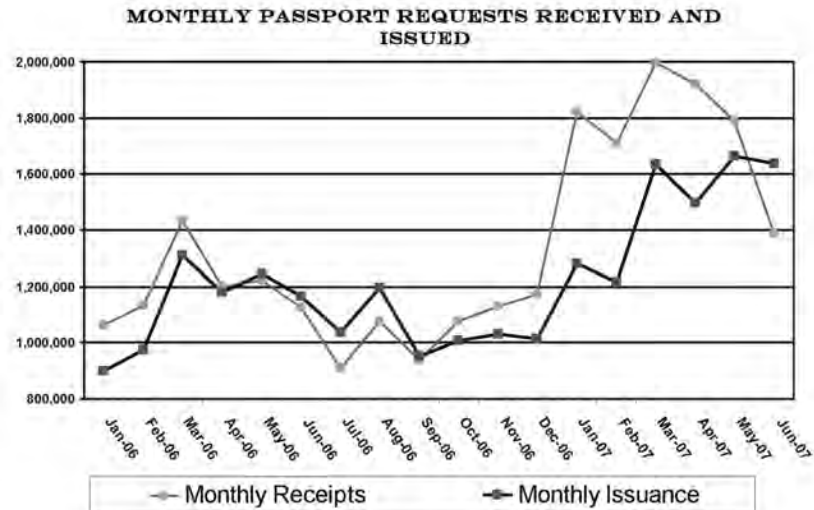
*Enhanced Service*

We implemented a Centralized Appointment System in October 2005, allowing customers to schedule appointments through the National Passport Information Center (NPIC) for any of our domestic agencies nationwide. We also implemented an online status check service. This service, available through the CA website, travel.state.gov, allows customers to check the status of their passport application from their desktop.

## THE SITUATION IN 2007—WHEN PHASE I OF WHTI TOOK EFFECT

As I mentioned previously, we predicted we would receive 16.2 million passport applications in FY 2007. In fact, we are likely to receive between one and one and a half million more than that. We did not foresee that the rapid spike in demand that occurred earlier this year would be so great.

In the three months before WHTI implementation—October to December 2006—demand increased steadily, in line with our expectations. Then in 2007 it spiked sharply. We received 1.8 million applications in January 2007, 1.7 million in February, and 2 million in March—5.5 million applications in a very short period of time.



Much of the influx was in response to press reports and our continuing outreach and public education effort regarding WHTI. Not all of the increased demand is attributable directly to the WHTI Air Phase, however. Many applicants indicate travel to Canada or Mexico by sea or land, even though the WHTI requirements for land or sea border crossings are not scheduled to be implemented until 2008 at the earliest. We also receive substantial numbers of applications from people who indicate no overseas travel plans. Increasingly, Americans apply for a passport because they see it as a citizenship and identity document, one that allows the bearer to board an airplane, prove citizenship for employment purposes, apply for federal benefits, and fulfill other needs not related to international travel. We did not take these non-travel-related factors into account when we projected FY 2007 passport demand.

The root of our current situation is the workload that built up when 5.5 million applications arrived within about ten weeks. This far exceeded our ability to keep pace *within our traditional timeframe*. As a result, despite our best efforts, it began to take longer to process applications. Average processing time lengthened from six weeks in December, to 12 weeks in late spring. It is about ten weeks today.

At the same time as we are receiving record numbers of applications, we are issuing record numbers of passports, averaging 1.5 million or more passports each month since March. We have already issued more than 12 million passports so far this year. With one quarter left in the fiscal year, the Colorado, Connecticut, Charleston, Honolulu, New Orleans, and Washington agencies have already exceeded their FY 2006 production total.

We recognize that is not good enough. Americans need reliable passport turnaround times, so they can plan their travel. They need to know that we can issue passports quickly when emergency situations arise, and they need to be able to reach us by phone or e-mail when those urgent situations come up.

#### ADDRESSING RECORD PASSPORT DEMAND

The Department has committed at the highest levels to return to a predictable six-week process while maintaining the security needs of our nation. We are pulling out all the stops and making the needed resources available to resolve this issue.

#### *Strategies to Increase Passport Production*

##### *Additional Staff*

To process pending cases and new incoming work, our most urgent need is for more people to review and adjudicate applications, answer telephone and e-mail inquiries, and assist walk-in applicants. We are tapping talent and resources from every part of the State Department to meet this need:

- We are aggressively recruiting staff. We brought 483 government and contract employees on board in May and June. Between May 1 and July 6, we made an additional 549 offers of employment to direct-hire adjudicators and will process them as quickly as people say “Yes!” Government employees can adjudicate passport applications, while contract staff perform critical support functions to print and mail out adjudicated passports.
- While we continue to recruit and train new passport specialists, we are reaching out to experienced and well-trained retired adjudicators to provide critical management support. We are grateful to OPM for lifting the salary cap for Civil Service annuitants. We are seeking authority to bring on additional retired Foreign Service officers who have exceeded mandatory salary and hours caps.
- Qualified State Department employees are volunteering to help process passport applications. These volunteers supplement the Department’s corps of passport specialists and are working two shifts during the week and all day Saturday and Sunday, to optimize existing equipment and space resources. Over 240 volunteers have approved over 130,000 passport applications since mid-March.
- We dispatched teams of passport specialists to exceptionally high volume passport agencies to assist with walk-in applicants and to process pending applications. These teams also provide customer support, including locating and expediting applications of customers with urgent travel needs.
- We are sending personnel to fill in behind these teams. Two hundred Presidential Management Fellows, Career Entry program participants, and entry-level officers currently working in bureaus throughout the Department will be reassigned to NPC, New Orleans and the Washington Passport Agency for the remainder of the summer to adjudicate passport applications. Many began training on July 9 and will begin work July 16.
- We have asked Foreign Service Officers overseas to come home temporarily to serve their country here by adjudicating passports. We plan to send two groups of 50 volunteers to regional passport agencies, beginning July 16.
- Twenty experienced consular officers who expected to take a three-week advanced training course will instead adjudicate passports, most in New Orleans. We are postponing the non-hard language training or post assignment of 120 entry-level officers who will complete general consular training this summer, so that they can stay to help adjudicate passport applications.

#### *Improved Service*

- We expanded the hours of operation at all of our passport agencies, including evenings and weekends. Most are open on Saturdays for emergency appointments, which we are scheduling through our call center. For faster service, we continue to provide same-day service to as many travelers as we can accommodate with evidence of imminent departure dates.
- The National Passport Center in Portsmouth, NH and the Charleston Passport Center, which together issue over 50 percent of all passports nationwide, both operate 24 hours in three shifts per day. Several agencies now operate two shifts.
- In response to heavy call volume, the National Passport Information Center increased staff to over 400 customer service representatives, extended operating hours, and installed 432 additional lines.
- We also stood up temporary phone task forces at the Department and at the Kentucky Consular Center. More than 100 State Department task force volunteers provide information, respond to urgent requests, and help Americans get their passports seven days a week.
- More recently, we also expanded our presence at the Federal Information Center in Lakeland, Florida, which previously had been handling American Citizen Services. Lakeland began taking passport-related calls on June 28. 165 operators are available to assist callers seven days a week. As of July 5, Lakeland had answered 27,522 calls.
- We are making changes to our expedited handling service to ensure that customers know exactly what to expect when they pay the expedite fee, and that we meet our commitments. This will require changing our regulations and procedures. We will also ensure that guidelines and procedures for refunding expedite fees are transparent.



These additional resources and procedures will give us the time, staffing and physical capacity to eliminate the older applications pending in the system.

#### THE FUTURE OF PASSPORT PROCESSING

It is clear that implementation of the Western Hemisphere Travel Initiative has created a permanent increase in passport demand. Today's record-breaking demand is not an anomaly; we believe it will continue to grow. We currently project the demand for passports to be approximately 23 million in 2008, and as high as 30 million by 2010. Over 78 million Americans currently have passports—somewhat more than 25 percent of all citizens. Within a few years, fully half of all Americans will have passports or passport cards, and every indication is that demand will continue to climb. We are engaged in a study now to further refine these projections.

Additional resources will be needed. On June 8, the Department sent a formal Congressional Notification regarding plans to re-program nearly \$37,000,000 for the FY 2007 Border Security Program. We are using these funds to hire 400 new passport adjudicators this fiscal year, and fund expansion of NPC and the Miami Passport Agency.

We are also implementing long-term strategies to increase production. Chief among these is a new approach to passport production represented by the Arkansas Passport Center (APC). APC differs from our other passport agencies in that it focuses solely on printing and mailing passports. Applications which have been reviewed and adjudicated at other agencies are transmitted electronically to APC, which prints and mails the passports within 24 hours. Eight agencies currently transmit their work to Arkansas. The remaining agencies will get the necessary retrofit to transmit their work by the end of September.

The centralization of passport book printing and mailing frees up space and personnel at our existing passport agencies to focus on the critical areas of customer service and adjudication, and process more passport applications. The agencies that have begun remote issuance are already reporting significantly improved efficiency.

Building on our successful experience with APC, we plan to open a similar printing and shipping facility, also with the capacity to produce 10 million passports per year, in 2008. When ready, passport cards also will be prepared at these two bookprint facilities.

We are increasing capacity at existing passport agencies, as well. Because we have outgrown the current facility in Miami, we will move to a new facility that will expand our footprint there from 18,000 to 28,000 square feet. We are on a fast-track process to acquire additional space that will more than double the size of the National Passport Center to more than 100,000 square feet. This will allow us to more than double the staff size to over 1,000, and more than double NPC's capacity to receive, adjudicate and issue passports from 5 million today to over 11 million. Expansions are also in the works for the Seattle, Boston, and Washington agencies. We hope to complete these renovations and expansions by the end of this year. We are also exploring opening additional passport agencies later in FY 2008 and FY 2009.

Just as important as increased production numbers is the need to maintain the high quality and integrity of the passport process. As we bring on large numbers of new staff, we are providing them with excellent training. We have secured space to establish a Western Consular Training Center, co-located with our Colorado Passport Agency in Denver. With the large numbers of new employees we expect to hire over the next two years and the need for ongoing training of current employees, we need multiple training sites.

#### COST OF TRAVEL DOCUMENTS

All consular activities, including passport services, are part of the Border Security Program and are funded by retained consular fees. The passport fees charged by the Department correspond with the cost of providing the documents, as determined by a series of cost of service studies commissioned by CA. The cost of the passport book is determined by examining the direct costs (e.g. printing, supplies, postage) and indirect costs (e.g. facilities, management support, security) costs associated with providing this service to American citizens. For public policy reasons, there are certain services for American citizens for which CA charges no fee, or for which the fee recovers only a portion of the cost of providing the service. The remaining cost is either included in another fee or covered by an appropriation. For example, there is no fee for welfare and whereabouts services provided on behalf of American citizens overseas. The costs incurred are recovered through the passport fee.

The most recent cost of service studies, completed in June 2004 and March 2006, determined that the appropriate fee for adjudicating, producing and issuing a pass-

port is \$97 for an adult and \$82 for a minor. The Department retains \$18 of this amount through two fees fully dedicated to covering a portion of the cost of generating passports:

- a \$12 Passport Security surcharge (enacted through the Consolidated Appropriations Act of 2005);
- a \$6 WHTI surcharge authorized by the Passport Services Enhancement Act of 2005.

These fees fund passport book stock, priority mail services, and some contractual services. The costs for printing, security investigations, and passport center staffing are primarily covered through other consular fees, as part of the overall Border Security Program.

The \$18 in passport revenue retained by the Department does not cover fully the costs the Department incurs to adjudicate, produce, and deliver a passport. Passport production is covered in large part by other consular revenues retained by the Department through the Border Security Program—principally fees collected from the issuance of Machine Readable Visas. The remainder of the application fee (\$49 for an adult and \$34 for a minor) is currently retained by the Department of the Treasury. The application execution fee (\$30), paid by applicants who must apply in person, is retained by Treasury or the passport acceptance facility where they make their application—typically a post office, public library, or clerk of the court.

The consular fees that support Passport Services have no fiscal year limitation, which allows any surplus funding to be carried over into the next fiscal year for use in that year or future years. This ensures operational costs can be covered at the beginning of any given fiscal year. In cases in which the combination of new consular revenue and prior year carry-over projections were not sufficient to cover operating requirements, the Department sought new revenue sources (i.e., the Passport Security and WHTI surcharges). Where necessary the Department has sought appropriated funds to meet Border Security Plan requirements, as was the case after September 11, 2001.

#### MAINTAINING THE INTEGRITY OF PASSPORT ISSUANCE

We are adjusting substantially our staff numbers and passport production processes to meet the unprecedented demand and reduce passport turnaround times. Even as we do this, Mr. Chairman, we will never shortcut our obligation to the integrity of the system or the document.

The laws regarding who needs a passport have changed, but not the eligibility requirements. Every successful applicant must unequivocally establish his or her identity and claim to American citizenship. Each application must be individually reviewed and adjudicated by a qualified passport examiner.

We of course recognize that there will be mala fide individuals who will seek to take advantage of the current situation in the mistaken belief that increased demand means decreased scrutiny. CA has robust fraud prevention procedures in place to ensure only those entitled to a passport receive one.

- Many employees working on the task force are consular officers with experience adjudicating passport applications overseas. Task force volunteers without prior passport experience work in small groups, side-by-side with their more experienced colleagues. Experienced passport adjudication managers are available at all times to answer questions, provide guidance and monitor their work;
- The week-long passport adjudicator training covers not only how to review an application and adjudicate on-line, but also how to spot fraud indicators and when to refer a case to more experienced examiners;
- Specialists from CA's Office of Fraud Prevention Programs and our Passport Services' fraud prevention division accompany the adjudication teams deploying to agencies around the country;
- As part of our standard procedures, a passport application goes through several steps: data entry, namecheck, adjudication, book print, quality control. At each step, a fresh pair of trained eyes scrutinizes the application, giving us multiple opportunities to spot and suspend production of a suspect case;
- As soon as we data enter the application, the information is automatically checked against several databases maintained by CA and other agencies such as HHS, FBI, and the U.S. Marshals Service. These databases include the names of individuals who are not entitled to a passport for law enforcement, delinquent child support payment and other reasons;

- Every passport adjudicator has access to electronic records of previous passport applications and issuances to verify the photos and data provided with an application;

CA's fraud prevention program is managed at each agency and center by a Fraud Prevention Manager (FPM) dedicated to training passport specialists and identifying fraud trends and techniques. FPMs are generally former passport specialists who have received extensive fraud prevention training throughout their careers and garnered much first-hand experience with fraud indicators as adjudicators. CA works closely with the Department's Bureau of Diplomatic Security (DS) on passport fraud prevention. FPMs refer suspected fraudulent passport applications to DS for possible investigation. Between October 2006 and May 2007, for example, FPMs referred 2,123 such cases to DS.

As we ramp up staffing throughout the passport system, CA and DS are coordinating to determine the number of additional DS staff that will be needed.

#### THE IMPACT OF WHTI

As we process new and pending passport applications, we continue to work with our colleagues in DHS to implement WHTI. The goal of WHTI is to enhance our border security and at the same time to facilitate the flow of legitimate trade and travel. WHTI will reduce the number of documents used to prove identity and citizenship from the current 8,000 local, state, and provincial driver's licenses, birth certificates and other documents to a handful of secure documents in which officers at ports-of-entry can have confidence, such as a passport book, passport card, NEXUS, SENTRI or FAST cards, and eventually state-issued "enhanced" drivers licenses.

On April 5, 2005, State and DHS announced the WHTI as the Administration's plan for implementing Section 7209 of the IRTPA. At that time, we envisioned a three phase implementation plan based on region: December 31, 2005 for all air/sea travel to or from Bermuda, the Caribbean, Central and South America; December 31, 2006 for all air/sea travel to or from Mexico and Canada; and, December 31, 2007, for all land border crossings. In May 2005, in response to concerns about the impact of this plan on the Central America Free Trade Agreement (CAFTA), the plan was amended to collapse the requirement for air and sea travel to the Caribbean, Mexico and Canada into one phase to be implemented in January 2007 and the land borders in a second phase in January 2008. In October 2006, the Homeland Security Appropriations Act of 2006 revised Section 7209 to allow but not require an extension until June 1, 2009 and merged the sea implementation date with the land.

Since implementation of the Air Phase, DHS figures and polling data indicate the public is complying with and supports WHTI. When the sharp spike in passport applications in the first few months of this year resulted in longer passport turnaround times, we worked with DHS to identify a flexible strategy to address the issue. To ensure that travelers would be able to carry through with travel plans, State and DHS announced on June 8 that DHS would use its existing authority to exercise flexibility in determining the documentation Americans must present to enter or depart from the United States.

Under these temporary measures—which will be applied through September 30, 2007—American citizens traveling to Canada, Mexico, Bermuda, or countries in the Caribbean region, who have applied for, but not yet received their passports, can re-enter the United States by air with a government-issued photo identification and Department of State official proof of application for a passport that can be downloaded from our website, [www.travel.state.gov](http://www.travel.state.gov). Children under the age of 16 traveling with their parents or legal guardian will be permitted to travel with the child's proof of application status.

The joint State-DHS announcement had an immediate impact. The number of telephone and e-mail inquiries to our National Passport Information Center declined precipitously. Although some airlines were initially reluctant to board passengers, these incidents were promptly addressed and have declined. Since introducing this flexible strategy, there have been approximately 2,713,000 hits on the website where the proof of application can be downloaded.

In response to the expressed concerns of American citizens who live in border communities for a more portable and less expensive document than the traditional passport book, we are developing a wallet-sized passport card. This passport card will contain a vicinity-read RFID electronic chip with a unique reference number which will be read as the vehicle approaches the port of entry. CBP officers will access personal data of the card bearer, extracted from a secure government database, which will provide the basis for an informed decision about the identity and citizen-

ship of those wishing to enter the United States. The chip itself will not contain any personal information.

Mexico and Canada have expressed concerns about WHTI implementation, and we have worked closely with our counterparts and stakeholder groups in those countries to address those concerns.

Mexican nationals are required under current immigration law to obtain a visa or border crossing card in order to enter the U.S. The Mexican Ministry of Tourism has expressed some concern about the ability of American citizens to continue to travel to Mexico for business and tourism when U.S. passport rules take effect, although local authorities have been very proactive in advertising the impending document requirements to encourage Americans to obtain passports. Anecdotal evidence indicates that arrivals to Mexico from the U.S. have not declined significantly since introduction of the WHTI Air Phase.

The Canadian government acknowledges our legitimate security concerns but has called for legislative or administrative modifications to the program on the grounds that a document requirement could have potentially adverse effects on cross-border traffic. Both State and DHS are working closely with Canadian authorities, especially the Canada Border Services Agency, to address their concerns and find mutually acceptable solutions.

#### CONCLUSION

Mr. Chairman, the world of U.S. passport production has changed fundamentally. The Bureau of Consular Affairs is changing with it. There have been growing pains as we adjust to the new realities of passport production. We have learned important lessons from this experience. We are taking action to correct the situation and ensure we have the needed capacity to meet travelers' needs as we move forward. We are committed to meeting the American public's demand for reliable, secure travel documents. We are committed to achieving for our nation the security and efficiency benefits of WHTI. And we are committed to constantly improving the efficiency, transparency, and integrity of the passport process.

We appreciate the support and understanding we have gotten from Members and their staffs as we work to meet new challenges. We hear from Congress and the American public regularly—and we have heard the message. As we have worked hand in hand with Congressional offices to resolve specific cases, we have charted a course for the future that will restore public faith in our ability to deliver. We pledge to work together with Congress to achieve our shared purpose to help American citizens to travel, while guaranteeing the security of our nation.

I thank you for this opportunity to discuss the current situation with regard to U.S. passports and what we are doing to meet unprecedented demand. I am happy to answer any questions you may have.

Chairman LANTOS. Thank you very much.  
Secretary Rosenzweig.

#### **STATEMENT OF MR. PAUL ROSENZWEIG, ACTING ASSISTANT SECRETARY FOR POLICY AND COUNSELOR TO THE UNDER SECRETARY FOR POLICY, U.S. DEPARTMENT OF HOMELAND SECURITY**

Mr. ROSENZWEIG. Thank you very much, Chairman Lantos, members of the committee. I appreciate very much the opportunity to appear before you today. It reflects the fact that as the Department of Homeland Security has come to realize homeland security begins abroad, and control of our borders is just one piece of our international engagement.

I think it is important to step back for a second as we face the issues today and remember why we are where we are right now. As the 9–11 Commission put it so eloquently, “For terrorists, travel documents are as important as weapons. Terrorists must travel clandestinely to meet, train, plan, case targets, and gain access to attacks. To them, international travel presents the greatest danger because they must surface to pass through regulated channels to present themselves to border security officials, or attempt to cir-

cumvent inspection points,” and that is precisely what the Western Hemisphere Travel Initiative is about: Strengthening the regulated channels of commerce across our Nation’s borders and using the border as part of our layered security.

In some way, the passport challenges being faced by my colleagues at the Department of State are a testament to our success. We have implemented the air portion of the Western Hemisphere Travel Initiative, and that has, as Ambassador Harty noted, contributed to the demand for passports.

Now, as you know, the WHTI has been implemented by the Department in two separate phases. The first phase, the air rule, went into effect on January 23 of this year, and even today, notwithstanding the difficulties that are being had, we are over 99 percent in compliance at arrivals at our border. On Monday of this week, 87,651 people arrived in the United States by air, and fewer than 500 of them, 520 of them arrived without appropriate travel documentation. That is a record of success in communication and in the production of documents for them to use.

It is true that in the recent months, given the difficulties in passport issuance, we have allowed some lenity in the travel document requirements. That is nothing more than an application of the Custom and Border Patrol’s traditional law enforcement ability to parole people into the country notwithstanding the absence of appropriate documentation. It is an authority that we exercise not only for people arriving within the Western Hemisphere, but for people arriving from Europe or Asia every day if they appear without the appropriate documentation.

So what we have announced in light of the difficulties is that at least through September 30 we will allow people who have a receipt from the Department of State signifying that they have applied for a passport, and a government-issued I.D. to travel, notwithstanding the document requirements.

Now, the second phase of WHTI, the land and sea phase, will be implemented next year, and that too will come in two separate parts. The first part of that, which will go into effect on January 31 of next year, will put an end simply to oral declarations and to the ability of people to travel using some of the 8,000 different types of documents which are currently permissible for entry across our land borders. Those include baptismal certificates, birth certificates that are uncertified, and even library cards. We will reduce that down to a manageable number of government-issued identification documents that will be acceptable.

We will also at that same time, demonstrating the same sort of flexibility that we intend to apply throughout the process, continue to allow children to arrive in the United States from across the land borders with a certified birth certificate when they are traveling, and they are under the age of 16 or between the ages of 16 and 18 traveling in a social group like a school group or a hockey team or something like that.

The second phase of the land/sea rule will go into effect next summer, a year from now, and at that point we will narrow down further the number of acceptable documents that may be produced to denote citizenship as one enters at the land and sea borders.

I think one of the things that is important for this committee to take away is that the passport will not be the only acceptable document. We are focused today on the passport because of the issues surrounding their production today, but when the land rule is fully implemented next year it will not just be a passport. It will be a passport, or a NEXUS card, or a SENTRI or fast card which are DHS-issued Trusted Traveler Program cards. The State Department will be issuing a pass card, a wallet-sized passport equivalent, and in addition, we are working with many of our state partners to develop what we are calling an enhanced driver's license programs.

We have a pilot for that ongoing with the State of Washington, and we anticipate being able to enter into further agreements with other states along the way. Indeed, we are in discussions with our Canadian colleagues about the possibility of provinces on the northern side of the border issuing enhanced driver's licenses that denote Canadian citizenship as well that would potentially be acceptable at the land borders.

I was asked in the letter of introduction to say a brief word about facilitation on the concern of some that wait times will increase as these document requirements are imposed. To the contrary, as the preliminary environmental assessment published by DHS in the *Federal Register* last month demonstrates, the use of standardized documents will actually, in our judgment, reduce wait times in the long run, and it is very easy to understand why.

Today, a CBP officer at the border is faced, as I said, with over 8,000 different types of information. Many of them are not machine-readable and are not easily facilitative in the travel. If a traveler who has one of our Trusted Traveler cards or a card with a machine readable zone appears, they are usually cleared in 10 to 20 seconds. But individuals who show up at the border with one of the cards that is not readable, that is, a library card or a birth certificate or some sort, can linger as long as 90 to 100 seconds.

Now, that doesn't sound like a big difference, but when you think of the fact that there are over 300 million crossings a year at our land borders that time adds up.

So as we standardize the documents and enable them to facilitate travel, what we are actually going to see is both, in our judgment, an increase in security because of the higher quality of the documents that will be presented, and an increase in travel facilitation because the standardization will free the CBP officers to focus their investigative efforts not on every document that comes to them, but on those people who present real risks.

With that, Mr. Chairman, I thank you for your attention, and I, too, look forward to answering your questions.

[The prepared statement of Mr. Rosenzweig follows:]

PREPARED STATEMENT OF MR. PAUL ROSENZWEIG, ACTING ASSISTANT SECRETARY FOR POLICY AND COUNSELOR TO THE UNDER SECRETARY FOR POLICY, U.S. DEPARTMENT OF HOMELAND SECURITY

Chairman Lantos, Ranking Member Ros-Lehtinen, and other distinguished Members. I am pleased to appear before you today to discuss how the identity documents used to gain entry at our land, sea, and air borders affect security, free trade, and free travel. The Department of Homeland Security (DHS), in partnership with the Department of State (DOS), is working to secure our homeland by strengthening our ability to identify accurately all persons—U.S. citizens and potential visitors alike—

before they enter the United States. We are accomplishing this through instituting documentation requirements for entry into the United States. Our approach to implementing the Western Hemisphere Travel Initiative (WHTI), which is both a statutory mandate and 9/11 Commission recommendation, will increase security while also facilitating trade and the flow of legitimate travelers.

While DHS representatives do not frequently appear as witnesses before this Committee, I would like to thank the Committee for its support for important initiatives to enhance the security of the United States. Your continued support has enabled DHS to make significant progress in securing our borders and protecting our country against terrorist threats. DHS looks forward to working with you to build upon these successes.

WHTI is necessary to strengthen our security while also facilitating the flow of legitimate trade and travel into the U.S. Currently, U.S., Canadian, and Bermudian citizens entering the United States across our land and sea borders are not required to present or carry any specific set of identity or citizenship documents. Not surprisingly, this significantly complicates our ability to verify that people are who they say they are in a matter of seconds. In an era when we, as a country, were less concerned about the security threats posed by persons seeking to enter or re-enter our country, a mere verbal declaration of citizenship, if credible, could suffice. Now, both Congress and the Administration recognize that this practice must end.

#### THE IMPORTANCE OF TRAVEL DOCUMENTS

The institution of a travel document requirement and the standardization of travel documents are critical steps to securing our Nation's borders and increasing the facilitation of legitimate travelers. Currently, some travelers at our land and sea ports of entry may present any of thousands of different documents to Customs and Border Protection (CBP) officers when attempting to enter the United States, creating a tremendous potential for fraud. In fiscal year 2006 alone, more than 209,000 individuals were apprehended at the ports of entry trying to cross the border with fraudulent claims of citizenship or false documents.

Access to our nation is critical for a terrorist to plan and carry out attacks on our homeland. As the 9/11 Commission's Final Report states, "For terrorists, travel documents are as important as weapons. Terrorists must travel clandestinely to meet, train, plan, case targets, and gain access to attack. To them, international travel presents great danger, because they must surface to pass through regulated channels to present themselves to border security officials, or attempt to circumvent inspection points."

Our layered security strategy involves identifying and interdicting terrorists as early as possible—if not before they enter our country, then at the port of entry. DHS must be able to capitalize on our border inspection process. We must be able to inspect those who seek to enter. Through its requirement that individuals carry a passport or other limited set of acceptable documents, WHTI will greatly reduce the opportunities for fraud or misrepresentation of one's true identity. Advanced technology embedded in these travel documents, with the appropriate privacy protections and infrastructure, will allow DHS the ability, for the first time, to verify an individual's identity even before our officers begin to question them and to perform real-time queries against lookout databases. Full implementation of WHTI will allow DHS to focus even greater time and attention on each individual traveler. We have an opportunity to install an integrated secure land border system through WHTI and that opportunity should not be squandered.

#### THE THREAT

We still face many challenges at home and at our borders. This is true at our air, sea, and land borders. As is evident from the publicly available accounts of the recent terrorist episode in England and Scotland, extremists have demonstrated the ability to blend into our communities. From such locations, extremists can conduct fundraising and other support activities, including proselytizing extremist ideals to segments of the youth population that they find susceptible.

While Canada remains a valued partner in our struggle against terrorism, the Canadian Security Intelligence Service (CSIS) has reported that terrorist representatives in Canada were actively raising money, procuring weapons, "manipulating immigrant communities" and facilitating travel to and from the United States and other countries. Besides al-Qaida affiliated persons, other terrorist-related individuals mentioned by CSIS have links to: Islamic Jihad; Hezbollah and other Shiite groups; Hamas; the Palestinian Force 17; Egyptian Al Jihad and various other Sunni groups from across the Middle East. CSIS has said the Irish Republican

Army, Tamil Tigers and Kurdistan Workers Party (PKK) and major Sikh terrorist groups also have supporters in Canada.

Of course, we must also acknowledge the presence of terrorist cells and activities in the U.S., such as the recent arrests in New Jersey of a cell trying to attack Fort Dix, and those airport workers hoping to detonate explosives at the JFK airport fuel tank farm. Our ability to track their travel, and the travel of their associates, is an important key to stopping these plans before they come to fruition and to drawing connections between seemingly unrelated individuals.

As populations increasingly mix and extremists recruit native-born youth and converts, travel documents become even more critical in identifying terrorists. Travel documents and travel patterns can provide our CBP officers at the border with terrorist indicators—sometimes the only clue the government will receive.

#### EFFECTIVELY USING THE BORDER—A NATIONAL SECURITY PRIORITY

Securing the border is a top national priority. Border security is a cornerstone of national security and that commitment by President Bush and Secretary Chertoff is underscored by the creation of the Secure Border Initiative and significant allocations of resources for border security. If we are to protect our homeland from terrorist attacks, we must use all of the tools at our disposal.

The initial phase of WHTI went into effect January 23, 2007. The WHTI Air rule requires all air travelers, regardless of age, to present a passport or other acceptable secure document for entry into the United States when arriving by plane. Almost every single day between January 23rd and today, there has been a 98% or better compliance rate from the affected travelers, who are citizens of the U.S., Canada, and Bermuda, and there has been no interruption to air transportation. The high level of compliance shows that Americans and foreign nationals alike are willing and able to obtain the necessary documents to enter or re-enter the United States once the requirements are known and made firm. This compliance is the result of the collaborative planning process on behalf of DHS and DOS working closely with the airline and travel industries and the public, well in advance of implementation.

#### INTELLIGENT IMPLEMENTATION OF THE WHTI AIR RULE

The need for passports for air travel, as well as other increasing needs for documentation of identity and citizenship significantly increased the demand for passports, resulting in delays for travelers. Therefore, on June 7, 2007, DHS and DOS jointly announced that U.S. citizens traveling to and from Canada, Mexico, the Caribbean and Bermuda who had applied for but not received their passports, could temporarily enter and depart from the United States by air with a government issued photo identification and official proof of passport application which can be obtained from the DOS website. This is not a suspension of the WHTI requirements in the air environment—foreign nationals must still present passports, and only those U.S. citizens who prove they have made an attempt to comply with the rule by applying for a passport may make use of this flexibility. This is a temporary accommodation through September 30, 2007 to allow Department of State time to clear its processing backlog. In addition, travelers must continue to be cognizant of the documentary requirements for Caribbean countries that have longstanding passport requirements for entry.

While DHS has shown flexibility in terms of document requirements, we have not lowered our enforcement posture or response. Every traveler is subject to inspection upon arrival into the United States. This inspection may include a database query and a personal interview by a CBP officer. Our officers are trained in behavioral analysis, interview techniques and fraudulent document detection. If at any time during the inspection a CBP Officer, based upon his/her observations, believes additional scrutiny is warranted, the traveler may be referred for secondary inspection. During secondary inspection, the traveler is subject to further questioning; baggage examination and documentation presented may be more closely scrutinized.

In addition to the inspection upon arrival into the United States, the Advance Passenger Information System (APIS) requires that air carriers transmit passenger data to CBP within 15 minutes of a flight's departure from the foreign point of embarkation. The information in APIS is merged into the Automated Targeting System-Passenger (ATS-P), our premier targeting tool in the passenger environment. This system utilizes all of our law enforcement databases to provide automated risk assessments for travelers flying into the United States. These layers of information assist DHS in determining the identity of a traveler upon arrival. The implementation of the temporary travel flexibility accommodation by DHS has not changed the advanced information available to our officers or the standard inspection in the air environment.



## THE NEXT PHASE—WHTI LAND AND SEA RULE

On June 20, 2007, DHS and DOS jointly announced the next phase of WHTI, governing entry into our land and sea ports of entry through a Notice of Proposed Rulemaking (NPRM), which is open for public comment. The NPRM demonstrates that we are taking a phased, deliberate, approach to implementation. The rule proposes a transition period to ensure that citizens will be able to obtain the documents necessary to satisfy WHTI. This will not occur overnight. The glide path we have proposed will give U.S. citizens sufficient time to become accustomed to this new requirement at our land and sea borders, and time to obtain alternative documents, such as the passport card, FAST, SENTRI, NEXUS cards, or an enhanced driver's license.

The NPRM proposes to end the practice of accepting only credible verbal declarations of citizenship at our land and sea ports of entry on January 31, 2008. U.S. and Canadian citizens will be required to carry a WHTI-compliant document or a government-issued photo identification, such as a driver's license, and proof of citizenship, such as a copy of a birth certificate. DHS will continue to allow a degree of flexibility to certain travelers based upon unique and exigent circumstances. At this same time, we are going to begin using the alternative procedures for U.S. and Canadian children we have proposed in the NPRM. Children ages 15 and younger will be required to present certified copies of their birth certificates. Groups of U.S. and Canadian children ages 16 through 18, traveling with an organized group with adult supervision will also be allowed to enter using certified copies of their birth certificates.

At a later date, we will implement the full requirements of the land and sea phase of WHTI. This vital layer of security must be put in place as soon as possible and not be subject to repeated delays and endless new and ever-shifting requirements. We must advance to a smarter, more efficient and more secure border that includes these document controls. The exact implementation date will be determined based upon a number of factors, including the progress of DHS and DOS actions to implement WHTI and the availability of WHTI-compliant documents on both sides of the border. We expect that the date of full implementation will be as early as the summer of 2008. The precise date will be formally announced with at least 60 days notice to the public.

DHS is proposing alternative documents that could be used in lieu of a passport at the land and sea borders, such as the Passport Card being developed by our partner DOS. We are also proposing that the current trusted traveler documents available for programs such as NEXUS, SENTRI and FAST be approved for entering the United States. Working in unison with Washington State and other States, we are pursuing State-issued enhanced driver's licenses (EDLs) that will be WHTI compliant for use at land and sea ports of entry. While Washington State is leading the way and on target to issue the first EDL in January 2008, DHS is in active discussions with other States that have expressed interest. In addition, Canadian Provinces also wish to pursue EDLs, and the Canadian Government is examining such a proposal with strong engagement and encouragement from DHS. We are pleased with recent indications from the Canadian government of renewed urgency toward developing appropriate documents, and anticipate that we will be able to work together to meet our intended timeline.

## OTHER ALTERNATIVE DOCUMENTS

This hearing is not about alternative domestic documents, such as Enhanced Driver's Licenses. Nevertheless, it is important to state on the record that DHS is not lowering document standards for EDLs. EDLs are a secure, enhanced driver's license, and are not just today's driver's license with a new design. The issuance process will be bolstered, and the document will meet the standards for a WHTI-compliant document of denoting citizenship and identity. EDLs will also incorporate facilitative land border technology with both vicinity Radio Frequency Identification (RFID) and a Machine Readable Zone (MRZ). That technology enables real-time verification of issuance data as well as screening at ports of entry.

The WHTI land and sea NPRM, which includes our proposals for both the new documentation requirements and our implementation plan, is available at [www.regulations.gov](http://www.regulations.gov). The NPRM has been developed through extensive consultation and constructive dialogue with various stakeholders, Congress, border communities, and officials on both sides of the border. We have also issued an accompanying economic analysis and environmental assessment. Both DHS and DOS are committed to ensuring a smooth transition and mitigating any negative impacts as we move forward with this vital security initiative.

Border security is a cornerstone of national security. Our international land borders are extremely efficient considering the volume of travel and trade they handle every day—so well run that the public can forget that they are a critical line of defense. Both DHS and DOS have worked closely with the Canadian and Mexican governments on numerous fronts, including through the Security and Prosperity Partnership of North America, the Smart Border Declaration and the Shared Border Accord. The objectives of these initiatives are to establish a common approach to security to protect North America from external threats, prevent and respond to threats and streamline the secure and efficient movement of travel and trade. We remain committed to such consultations that often include WHTI accomplishments and progress to date. In particular, DHS has been involved in extensive discussions with our Canadian counterparts regarding secure alternative documents that could be made available to Canadian citizens for WHTI purposes, and, as stated above, we are working even more closely together as they look at EDLs or other possible alternative documents for Canadian citizens as well.

#### IMPACTS OF WHTI ON OUR BORDER COMMUNITIES

We recognize that there remains a concern about the potential impact of WHTI on border communities. WHTI represents a social and cultural change, and change is hard. However, WHTI is a key step in creating better, more efficient, 21st Century land border management.

The Administration is committed to implementing this change in a pragmatic way, and we want to ensure open dialogue between the citizens it directly affects. Our communications plan will be based in a grassroots outreach campaign and will take place in land border communities in multiple ways, including at various Town Hall Events. We will directly communicate with the border communities, traveling public, media, elected officials and stakeholders about the importance of WHTI. We will highlight the benefits of secure travel documents, demonstrating that vicinity RFID is the reliable backbone of our trusted traveler programs, and the technology proposed for the DOS Passport Card.

#### POTENTIAL IMPACT OF WHTI ON WAIT TIMES AT THE BORDER

DHS, Congress, and the public are all concerned about the potential impact of the WHTI documentation requirements on traveler wait times at our land ports of entry. Pedestrian and vehicle traffic varies across the country by port, time of day, and time of year. There are also daily, weekly, and seasonal patterns of traffic. Factors that can lead to long traffic queues can include the port design, traffic volume, and vehicle mix. Wait times are monitored on an hourly basis and measures are taken to reduce wait times when they exceed threshold levels. These measures can include changes to shift assignments, open lane assignments, special operations, and overtime.

Currently, primary processing time can be as short as 10 seconds for a trusted traveler and as short as 20 seconds for easily verifiable travelers. A traveler is easily verifiable if he/she has a passport or other acceptable document with an MRZ or appropriate RFID technology that can be queried automatically. Processing times are considerably longer—up to 90 seconds—for a vehicle with passengers who present documents that are not immediately verifiable by the inspecting officer or for vehicles with multiple passengers each producing various forms of identification.

The suite of documents that DHS has proposed in the NPRM are capable of being queried automatically, speeding-up the document examination process and eliminating the need to evaluate the face of the document to determine if it looks like the kind of baptismal certificate issued in a certain part of Minnesota during the mid-1950s.

DHS published a Programmatic Environmental Assessment (PEA) in the Federal Register on June 25, 2007, focusing on the potential environmental impact of WHTI at land ports of entry, since they have the most environmental sensitivities from changes in travel volume. The PEA concludes that the use of vicinity RFID technology results in the fastest passenger processing time, and causes the fewest adverse environmental impacts. I encourage the Committee to review the PEA for a detailed analysis of average wait times for selected ports on the northern and southern borders and the anticipated impact of WHTI on these wait times.

While DHS fully expects to process quickly the documents of most travelers at the borders, we will not become focused on speed as the singular measure of success. Speeding up the document querying and authentication process gives more time for our border officers to ask questions and conduct inspections of those who require more scrutiny. Precious time now spent examining the face of a document will, instead, be used to probe those seeking to enter the U.S. who may be of higher risk.

In the judgment of Secretary Chertoff and DHS leadership, this is a much better use of our border officer's skills and time.

#### CONCLUSION

Mr. Chairman, members of the Committee, I have outlined our WHTI implementation plan that, with your assistance, will help DHS continue to protect America. Although we continue to move in the right direction of increasing identity document security, increasing information sharing, and deploying the necessary resources to protect the border, we must not delay or become lax in our effort. Strong borders are a pillar of national security and WHTI is a key cornerstone supporting that pillar.

Thank you again for this opportunity to testify, I will be happy to answer any of your questions.

Chairman LANTOS. Well, I want to thank both of you and I would like to begin the questioning by asking about lessons learned.

You started out, Ambassador Harty, by saying you want to restore confidence which clearly indicates that confidence has been lost, and what I want to know, because neither of you dealt with this issue, which is the principal issue all of my colleagues raised, is why did these two huge departments fail to plan adequately.

I am impressed by the very hard work of the employees all across this land who are working long hours, weekends, nights. That is not the issue. The issue is that this was fully predictable. Congress passed the law in 2004, and clearly, in 2007, the Department of State and the Department of Homeland Security were totally unprepared to deal with this avalanche.

Now, somebody is responsible for this, and I am not asking for personal responsibility. There are planning processes in huge organizations like the Department of Homeland Security. How many employees do you have, Mr. Rosenzweig?

Mr. ROSENZWEIG. Currently approximately 208,000, sir.

Chairman LANTOS. Two hundred and?

Mr. ROSENZWEIG. Eight thousand.

Chairman LANTOS. Two hundred and eight thousand, and how many employees does the State Department have?

Ms. HARTY. In the Bureau of Consular Affairs, 9,200 around the country, around the world, sir.

Chairman LANTOS. We are talking about huge organizations. Now, if a small college decides to increase the size of its freshman class from 300 to 600 3 years from now, somebody has to plan for facilities, somebody has to plan for additional instructors, somebody has to plan for all of the things that the additional 300 students will need.

Well, it is not rocket science to assume that as you impose an additional burden on American citizens, namely, now they will have to show a passport when they travel within the hemisphere, many more passports will have to be issued. This is very elementary. And it is clear that both of your agencies in a variety of ways are playing catch-up.

My question is, and I would like both of you to answer it, why is it necessary to play catch-up? Why wasn't the necessary planning done in a timely fashion?

Ms. HARTY. Sir, thank you for the question and for also indicating you are not looking for personal responsibility. I nevertheless feel the need to take it. On the Department of State side, it is my responsibility and we did do a tremendous amount of plan-

ning, but there were some things that we got wrong as is clear to all of us here, myself included.

I would first like to say that in fiscal year 2004 we had a total passport staff on board of 1,563 people. I mentioned in my testimony that we have ramped up since then steadily. Right now we have got 2,548 people on board. We did hire more, sir. We continued to hire more. We will hire 400 more before the end of this fiscal year, and another 400 in the first quarter of next fiscal year, and right from the very top of the State Department I have—I won't say an entirely free hand, but a very, very wide open playing field to continue to do what I need to do so that when we get out of this situation we never find ourselves in it again.

But there are some things, sir, that we did not know. I think they were unknowable to us, that is, some of the things I alluded to in my opening statement, that we worked very hard to figure out, yes, how many people are coming across the border. As a matter of fact, on the day, January 23, when WHTI came into effect, I flew down to Miami and spent a day with my colleagues in DHS at the airport. We assumed that day, looking at models, that some 7,000 people who previously would not have needed passports would now need passports under the WHTI on that day, and we were delighted to see that only—out of that entire day that I spent down there—only two people who entered the United States had failed to comply. Everybody knew about it and had the documents they needed. That is a good thing.

What it also indicated, as Paul indicated in his testimony, is that we did saturate the market and perhaps one of the lessons learned is that we need to do better, better public diplomacy. Many, many people thought they needed a document right now that they didn't need. So if you were driving to Canada this summer, even friends and neighbors of mine didn't understand our message as well as we should have made it understood, so you can bet we will do better as we go forward.

But another thing, sir, the unknowable really genuinely is how very many people have applied for a passport who have no intention of traveling. I looked at a batch several weeks ago now of 200—I should say I had a colleague look for me at a batch of 200 applications, just a randomly selected batch, to see out of that 200 how many indicated travel plans. Twenty. I had previously had another colleague do it on another batch of 60, and out of that batch four indicated travel plans.

We have people who are deciding they need a passport in the same way that I think we saw the *New York Times* report last week, people are seeking to naturalize who are here as legal permanent residents, people who are hearing conversations about immigration, people who are concerned that they need to prove they are citizens.

In all candor, Mr. Chairman, I have my grandfather's naturalization certificate hanging on my wall in my office, and if my grandfather was still alive, I would tell him, "Pop-pop, conseguir un pasaporte ahora"—get a passport now, because my pop-pop's language skills were never sufficient—English language skills were never sufficient to the task of describing in a hurry that he was a

U.S. citizen. I would even have told him that today, because we see that in who is applying.

So that is something that has caused us not only to look again, not only to know that we have to ramp up, but to go back, look at what we learned from the first studies, and admittedly did not question, did not ask that question. We have two more studies going on now that should be done by the end of this summer to get to the question of do you want a card? Will you buy a card even or a passport if you have no intention of traveling? And we just are trying to get to something that we have never seen before.

I think for many the passport is becoming something like some form of a national I.D. card, and it is giving people some comfort when they have it. My goal is to get as many people that comfort just as quickly as we can. Get the backlog gone while we are building the capacity to get never into this situation again.

Chairman LANTOS. Well, let me pick up on your last statement. The best information I have been able to obtain is that we have about 78 million American citizens who currently own a passport. Is that accurate?

Ms. HARTY. Yes, sir.

Chairman LANTOS. 78 million Americans is just a shade over 25 percent of our total population, and I think your comments that people are increasingly interested in having a passport, because it is a very useful document in many contexts, would indicate to me that the demand for passports is likely to rise exponentially, and we are probably looking to a period not too far in the future when 50 percent of American citizens will have a passport or more.

Why was the planning so pathetically on the low side? You are telling us that you planned, and you prepared, but palpably the planning and the preparation was inadequate. It is like inviting 12 people for dinner but buying food for only four. I mean, it clearly didn't work. And I still don't understand why it didn't work.

Ms. HARTY. Well, sir, thank you for the question.

There are other elements too. We definitely, definitely miscalculated. We thought we would see 16.2 million—we are going to see about 1.5 million more than that. When we saw the tsunami that I described of applications in January, 1.8, in February, 1.7, in March, 2 million passports, that compressed demand is what began a snowball effect that another member of this panel mentioned earlier. Many, many people seeing news stories began to ask for expedited passports, and we brought all of the expedites to the front of the system, if you will. It skewed the system in a way for which we were unprepared.

Sir, I do—I do sincerely regret that we missed the mark on that number. It certainly was not our—

Chairman LANTOS. What is the fee for getting an expedited passport?

Ms. HARTY. Sixty dollars.

Chairman LANTOS. What is your estimate of the number of people who paid their \$60 and did not get an expedited procedure?

Ms. HARTY. Sir, people write into us when they haven't gotten an expedited—

Chairman LANTOS. Well some do and some don't.

Ms. HARTY [continuing]. Take it on a case-by-case basis.

Chairman LANTOS. But give me an idea of the number of people who paid in for an expedited passport.

Ms. HARTY. I don't have that number off the top of my head, sir. If you let me just ask one of my colleagues.

Chairman LANTOS. Please.

Ms. HARTY. Sir, I think rather than give you a bad number, I am going to have to come back to you.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE MAURA HARTY TO QUESTION  
ASKED DURING THE HEARING BY THE HONORABLE TOM LANTOS

4.37 million applicants paid for expedited service so far in fiscal year 2007 and their applications were automatically given a higher priority in the queue. We processed these applications more quickly than those for standard passports. To further ensure expedited service, CA has been paying for expedited passports to be mailed via FEDEX in order to allow applicants to make schedule departures and has not, as had been our practice in the past, asked customers to cover this additional cost.

We cannot determine how many applicants received their passports in time for a trip as U.S. citizens are not required to tell us their travel dates. However, our records indicate that as of mid-July, a total of 3,829,913 properly completed expedited passport requests have been received and in calendar year 2007 (approximately 550,00 requests were received but required additional customer response prior to the Department's action); our passport agencies and passport centers have issued 2,716,448 expedited passports (71 percent) within 3 business days of receiving the applications; and a total of 570, 303 passports (15 percent) were likely to have been in customers hands after 3 business days but within 3 weeks of customers having applied. A total of 543,162 expedited passports out of 3,829,913, approximately 14 percent, were not received within 3 weeks.

Chairman LANTOS. Well, give me a ballpark.

Ms. HARTY. 10 percent.

Chairman LANTOS. 10 percent?

Ms. HARTY. Yes. I would like to verify that number though, sir.

Chairman LANTOS. I understand. And of that 10 percent, what proportion did not get the job expedited?

Ms. HARTY. Well, sir, every person who asked for an expedite got moved to the front of the system. There is just no doubt about that.

Chairman LANTOS. But they got moved to the front of the system—

Ms. HARTY. Yes.

Chairman LANTOS [continuing]. Which was not moving.

Ms. HARTY. But the whole system—

Chairman LANTOS. So the fact is that they paid for an expedited passport but it still took them an inordinate amount of time to get the passport.

Ms. HARTY. I will not argue with that at all, sir.

Chairman LANTOS. Do you have the authority or does Secretary Rice have the authority to refund every individual? Have you done that?

Ms. HARTY. Yes, sir. We have a procedure in place, sir, for expedites, and for people who think they have not received expedited service. It is on our Web site, [travel.state.gov](http://travel.state.gov). And as they write in, we handle them on a case-by-case basis, and that has been in place long before this. It hasn't had to be used as much as it will be as a result of the last several months, but, yes, sir, there is a procedure in place.

Chairman LANTOS. Now, there is a procedure in place if I sent in my money for expedited handling, I am fuming because I have

been waiting here for weeks and nothing happens, I still don't have my passport, and I am so disgusted that I don't write in for my money.

What stands in the way of you automatically refunding all the expedited fees?

Ms. HARTY. Sir, it is a policy decision that we are looking at now.

Chairman LANTOS. Well, I would like to ask you to get back to this committee within a week with your decision, and let me say, speaking for myself, that I believe that these tens of thousands, hundreds of thousands, probably millions of Americans who have been let down by the passport agency should have the minimal satisfaction of having their expedited fees returned to them, whether they ask for it or not. So you will get back within a week?

Ms. HARTY. I shall, sir.

Chairman LANTOS. Thank you very much.

Mr. Rohrabacher.

Mr. ROHRABACHER. First of all, let me identify myself with the line of questioning of the chairman. I think that he has gone into detail, very important detail, especially the last point that he suggested, that if you indeed aren't doing your job, there doesn't seem to be an excuse why you wouldn't refund someone's money if you have not obviously on the face of it met the responsibility that you had in accepting that money in the first place. So I would identify with the entire line of questioning of the chairman.

Let us note in your testimony you mentioned in passing that one of the reasons for the surge, which is not something that I understood before, and frankly now your testimony didn't enlighten me of this, had something to do with some concept that got into people's mind that they needed I.D. in reference to help them, based on perhaps this illegal immigration issue that was moving through Congress.

What number? Do we have any idea of the number of people who were applying basically to use the passport instead of as a travel document, as an I.D. card?

Ms. HARTY. We don't, sir. It is just that so very many—one of the questions on an application is travel plans, and it is not—many, many people simply choose not to fill it in at all. They don't indicate any travel plan whatsoever. So no, people don't have to tell us why they want a passport, but it is a pretty strong belief of ours that we are seeing such a high volume of people not indicating any travel at all, especially at a time when passport are in the news, we think they are——

Mr. ROHRABACHER. So what are we talking about? Ten percent of the surge, or half, or 25 percent, or what would you think?

Ms. HARTY. That is why we have gone back and we have got another study underway now——

Mr. ROHRABACHER. Okay.

Ms. HARTY [continuing]. With two different independent entities, to try and capture that because it is not a question we have captured previously.

Mr. ROHRABACHER. I think that is very significant because I don't believe that, unlike the other elements that were predictable——

Ms. HARTY. Right.

Mr. ROHRABACHER [continuing]. That this perhaps was one part of the surge——

Ms. HARTY. Right.

Mr. ROHRABACHER [continuing]. That was not predictable, and I think that we need to take that into consideration as well. As the chairman noted, we know your people are working really hard.

Ms. HARTY. Yes, sir.

Mr. ROHRABACHER. And we respect that, and this may not be a morale problem at all in terms of your people are working, doing their job, and it has something to do with planning, as has been indicated, but there may be other factors here as well. For example, we are at war. You know, we are at war. We know that there has to be a certain amount of more care taken in dealing with certain requests than in others because—I mean, I couldn't help but notice that the doctors in Britain who were arrested for this bombing plot had already begun to fill out paperwork to come to the United States, and to guard against that type of threat requires extra work on the part of your employees and on the part of the State Department. We understand that.

With that said, I would like to just cover a few issues that deal specifically with what I have been involved with in terms of oversight investigation with my chairman, Mr. Delahunt, and also when I was chairman of that subcommittee, and very happy to hear that you and Mr. Delahunt have had a good working relationship in the past. The two of us sent you a letter as of May 21, 2007, asking you for specific information about dealings with Mexican Consulate, dealing with the Ramos and Compean border patrol case.

At this time—and that was May 21—we are already into July. We haven't had any contact or any answer to our requests, and in fact your office seems to be indicating that there won't be this type of cooperation. Is it your intent to answer this letter?

Ms. HARTY. Sir. I answer every letter from Congress that I get. I am so sorry. But I have never seen that letter. I will look for this as soon as this hearing is over.

Mr. ROHRABACHER. All right. Let us note that this is an issue dealing with border crossings and with documentation, and we need to know how your office operates in terms of with a foreign government, with the Mexican Government, and this is part of our oversight investigation responsibilities, and we haven't gotten a—and I am very happy to hear we will have a response from you.

Now, to Secretary Rosenzweig, in the same oversight investigation that we are involved in, we have requested from the Department of Homeland Security certain information, and received back the reply from the Department of Homeland Security that before you can cooperate, we actually have to have a subpoena issued before we will be given documents that we have requested.

Is that the type of cooperation we can expect by Congress from this administration over legitimate requests?

Mr. ROSENZWEIG. I am unfamiliar with that particular response, Congressman. I will certainly look into it. In general, though, that is not necessary. I assume that there lies behind that something relating to——

Mr. ROHRABACHER. What is an I-94?



Mr. ROSENZWEIG. What is an I-94?

Mr. ROHRABACHER. Yes.

Mr. ROSENZWEIG. It is a form that is filled out by immigrants and non-immigrants, visa holders and non-visa holders who arrive in the United States lawfully through the ports of entry.

Mr. ROHRABACHER. And it is a status, the I-94?

Mr. ROSENZWEIG. Is a what?

Mr. ROHRABACHER. Is that a status?

Mr. ROSENZWEIG. No, sir.

Mr. ROHRABACHER. Okay. So if someone fills out these documents, is that covered by the Privacy Act? If Congress would request information about someone's I-94 documentation, is that something that is not within the right of Congress to see?

Mr. ROSENZWEIG. I am sure it is within the right of Congress to see, sir, subject to the limitations of other law.

Mr. ROHRABACHER. Is there a Privacy—

Mr. ROSENZWEIG. It is personally identifiable information that relates to an individual, so generally it is treated as within the Privacy Act is my understanding.

Mr. ROHRABACHER. Okay. If someone is, for example, an identified drug smuggler and has filled out an I-94, would you say that Congress doesn't have a right to see that documentation, even though the man has been accused and fingered as a drug smuggler, in fact? But Congress has no—unless he has waived his privacy rights, does a non-U.S. citizen have a right to privacy rights, even drug smugglers?

Mr. ROSENZWEIG. Everybody is subject to the same law, Congressman. I will certainly look into the issue and get back to you, but my understanding would be that that would be the legal requirement for that particular sort of information. I am quite certain it was reviewed by counsel before it was sent.

Mr. ROHRABACHER. So do illegal criminal aliens have privacy rights in terms of their documentation?

Mr. ROSENZWEIG. With respect to an I-94, sir, that would be for a lawful entry to the United States.

Mr. ROHRABACHER. Unless that person, of course, had been arrested already for illegal immigration. We are talking about a drug smuggler who was interdicted by two border patrol agents, and this administration chose to prosecute the two border patrol agents for procedural violations and give the drug smuggler immunity.

Now, he obviously entered the country illegally. That is why he was interdicted. That would make him an illegal alien, and this man was then granted—one of your twos department—granted him travel documents, who later was fingered in a later drug shipment. What we are trying to find out if Congress has a legitimate right to look into this issue, and the Department of Homeland Security has given us stonewalled, and the Ambassador has suggested that she will be cooperating with us, and has not seen this request.

But sometimes it appears that there is partisan or, you know, let us say motives in charging that the administration doesn't request or doesn't cooperate with Congress. Let me note this has nothing to do with a partisan motivation. Congress has a right to oversee things, and I would say that this administration—I have been around here about 20 years, in fact, if you count my time at the

White House—30 years. This administration has a lower level of cooperation with Congress than any one that I have seen before, and I am just putting on notice right now, Mr. Chairman, that what Mr. Delahunt and I are experiencing seems to be a stonewalling of this administration of any cooperation in dealing which would be an area of investigation and oversight that is part of our responsibility.

With that, I thank you very much.

Chairman LANTOS. Thank you very much.

Mr. Delahunt.

Mr. DELAHUNT. Yes, thank you, Mr. Chairman.

I agree, Mr. Secretary, and let me note for the record that you and I have dealt with each other previously, and similarly with Ambassador Harty, I find you someone for whom I have great respect.

You emphasize in your testimony, both oral and in your written submission, that standardized travel documents eventually will prove to be—not a panacea, but clearly significant in terms of eliminating the delay. I agreed with you. I think that is the direction that we all want to go to. But I will tell you what my frustration is. We have been talking about this for so long, for years now, prior to your going to DHS, and what I note is a lack of a sense of urgency in terms of achieving progress as far as standardization is concerned.

Biometric passports, I mean, as you know I serve on the Judiciary Committee. We were talking about this years ago now, and yet I can't see progress. Maybe there is, but certainly it hasn't been brought to our attention.

Let me also raise the issue, in your testimony you talk about your personnel, our officers are trained in behavioral analysis, interview techniques, and fraudulent document analysis, or detection, rather, and they are. But I would hope, because I hear this from my own constituents, Americans, and American business interests, that feel, and maybe this is a lack of resources that have impacted morale, but we have got to inculcate, I would suggest, in our personnel that there is also a customer service aspect to these issues.

You, I am sure, are aware of the decline in overseas visitors coming to this country. We recently had a meeting with members of the Russian Duma. It was interesting. It was very informative. And when asked their opinion of their experience, one member of the Russian Duma stood up and said he did not plan to return to this country because of the way he was treated at the port of entry, and both the chair and I think the ranking member were present, and too often we are hearing these kind of anecdotes.

We are all for security, absolutely essential, and I think we need to rely on technologies to achieve that, but we are losing on the other side, and we hear Americans now, because of this passport issue, expressing their umbrage at mistreatment. Now, whether that is caused by the overwhelming numbers and lack of resources, let us know because we ought to address that. I think it is essential that we do.

In your written testimony—go ahead, respond.

Mr. ROSENZWEIG. I couldn't agree with you more that we at the ports of entry need to be both security conscious and a welcoming institution. We have undertaken many, many steps along that way. As part of that, last year Secretary Rice and Secretary Chertoff announced something we call the Rice/Chertoff Initiative.

Mr. DELAHUNT. I am familiar with that.

Mr. ROSENZWEIG. That ports model ports of entry. It is a deep challenge. If you have been to Miami recently, you have seen the construction going on. If you ask me what probably is the most annoying to people arriving in Miami now, it is the long wait times. What is the cause of the long wait times in Miami? An infrastructure that cannot be expanded. The present system has 30 lanes. It can't get any bigger so we have got to build more.

Mr. DELAHUNT. The reality is, Mr. Secretary, people are choosing not to come to this country, and businesses are opting to make decisions to relocate somewhere else. International conferences are no longer being held in Miami or Boston or New York, Las Vegas, but being held outside of the country. Harvard Medical School in Massachusetts is building a new facility in Dubai, not in Cambridge, Massachusetts. Again and again. I could relate to you a number of anecdotes or examples such as that. It is becoming a real crisis.

Let me ask you another question. You indicated in your written testimony that 209,000 were stopped at ports of entry for false documentation. How many of that 209,000 were apprehended or detained as terrorists or affiliated with a terrorist organization, if you know?

Mr. ROSENZWEIG. I don't have that exact figure, but it is clearly a relatively small percentage of the number. I would be happy to get the exact number for you, but it is clearly most of them are immigration fraud, drug crimes, things like that clearly.

Mr. DELAHUNT. I would like to have that.

And Ambassador Harty, you indicated that the studies, in response to the question that Chairman Lantos was asking, the unpredictable and the unknowable. I note where you retained an independent contractor to assist in that study. Can you identify that independent contractor?

Ms. HARTY. Right now we are working with two, and it is both Gallup and BearingPoint, and we hope to have the results of their work by the end of the summer.

Mr. DELAHUNT. But you had previously—

Ms. HARTY. Oh, previously for the studies done, they were done in 2005, early in the year and later in the year, and they were BearingPoint. But I don't want to leave the impression that it is upon that alone that we based our decision. That is on us. They gave us statistical information. They gave us a view. We also looked at trends. We looked at history. We looked at commercial and commerce statistics. We consulted with our colleagues at DHS. So they are only one part of that.

Mr. DELAHUNT. Thank you.

Ms. HARTY. Thank you.

Chairman LANTOS. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman, and speaking of delays, my two p.m. flight from yesterday just landed

a few minutes ago. So we have all grown accustomed to delays, but the passport delays——

Chairman LANTOS. We will not blame the Department of State for that.

Ms. ROS-LEHTINEN. No, they get a pass on that. But the passport delays, that is a whole different category. It is outrageous, incomprehensible, unconscionable. How could we not have foreseen this problem?

In my district of south Florida, you mentioned Miami, my congressional office, as all of our offices, were flooded with calls from frustrated would-be tourists who would like to get to their destination, and Miami is the gateway to the Americas. We have so many flights to the Caribbean, Haiti, Jamaica. We have Central South America, Europe, everywhere, and we have wonderful staff in our local passport office who under duress are very calm and courteous to the public that they see each and every day in the regional offices, but they can only do as much as they can do.

I wanted to ask about two topics: The Passport Services Enhancement Act and also follow up on a question that was asked on the Western Hemisphere Travel Initiative, which is of such importance to my district.

Now, I understand that the Department has already begun collecting surcharges as authorized by the bill that we passed, the Passport Services Enhancement Act. It went into effect in January 2006, and it says in the act, “to cover the cost of meeting the increased demand for passport.” It is about a \$12 surcharge. If that money had already been put into effect, meaning you were already collecting it since January 2006, how much money has been collected in the past year and a half? That is an awfully long time, and it was authorized in order to avoid this whole mess that we are facing today.

If you are charging it, why didn’t this fix the problem? Where did the \$12 estimate come from? And I am not leading the charge to increment the charge—no pun intended there. But I just want to know when the surcharge was put into place wasn’t it to stop this from happening? Did we not estimate the correct amount? Have we been collecting it for a year and a half? What has happened to that money?

The second, to follow up on the Western Hemisphere Travel Initiative, a great interest to my congressional district, we are going to be having 27 million additional passport applications when the land border provisions of the Western Hemisphere Travel Initiative are put into place, 27 million additional passports. What are we doing to head off the potential crisis? How does that impact border security, et cetera?

You know that Congresswoman Slaughter has had a proposal for a cost/benefit analysis of the initiative prior to its full implementation. How will this impact your ability to serve so many passport seekers?

And again, thank you to my Miami office. I want to keep them very happy because I will be calling upon them time and time again as we have in the past months, and thank you to the regional offices. Thank you, Mr. Chairman.

Ms. HARTY. Thank you very much for your kind comments about Miami. Actually, they want to keep you happy as well, so go Miami. They are a terrific team with terrific morale. I would also like to say that you may know this already, but they will be moving from that location, 18,000 square feet, to 28,000 square feet, another part of town. I have walked the space. I just want to get that done as soon as I can so that we can see more people, put more people in Miami, get work done as quickly as we can.

Ms. ROS-LEHTINEN. Have more people wait in line?

Ms. HARTY. No, we don't want that. We want to skip the part about waiting in line.

I would also like to say, although this is maybe only a small item, that surcharge that you mention is not in fact—we retain a little bit more of the passport fees that used to go to the treasury, so that surcharge was actually invisible to the customer. That was a really well done by Congress to allow us to not pass that charge on to the applicant, but to retain that money at State that used to previously go right to the general treasury. Okay?

Ms. ROS-LEHTINEN. Okay, so if you could explain that again. So the customer, the passport applicant—

Ms. HARTY. Yes it was invisible to them.

Ms. ROS-LEHTINEN [continuing]. Was not asked to pay an additional \$12.

Ms. HARTY. Correct. Correct, it was invisible to them.

Ms. ROS-LEHTINEN. Is invisible. But what did that do to decrease—

Ms. HARTY. I will go there next. Out of a \$97 passport application, say a first time application, only a total of \$18 of it goes to the Department of State. Part of that, two surcharges total \$18. And those are retained in the Bureau of Consular Affairs. That money in the last year went to such things as production of—actually purchase, literally purchase of passport books, public information, passport systems, passport operations. It doesn't in fact cover all of the passport system's needs. Most of our money comes—for the passport side of the house—comes from other fees that the Bureau of Consular affairs, Department of State charges for the things that we do like machine-readable visa fees overseas. So it helps us very much to get this money, but it does not cover all of the needs of passport services.

[Additional information follows:]

ADDITIONAL WRITTEN RESPONSES RECEIVED FROM THE HONORABLE MAURA HARTY TO QUESTIONS ASKED DURING THE HEARING BY THE HONORABLE ILEANA ROS-LEHTINEN

The Department of State began to collect and retain a \$12 passport security surcharge in March 2005. Our collections to-date for FY 2007 have reached \$152.2 million. Since the inception of this fee, we have collected \$359.1 million.

The Department of State began to collect and retain the \$6 WHTI surcharge in August 2006. Our collections to date for FY 2007 have reached \$78 million. We have collected \$86.4 million since the inception of this fee.

The passport security surcharge was set at \$12 as recommended in a CA-commissioned Cost of Service Study carried out in 2004 by an independent contractor. The fee covers costs for direct materials associated with e-passport books, including a highly secure chip and priority mail return delivery of issued passports.

The WHTI surcharge was set at \$6 as recommended in a 2006 follow-up Cost of Service Study and covers the costs associated with processing at increased volumes (as projected in 2005/2006). The WHTI surcharge was offset by a \$6.00 decrease of

the existing passport application fee, and therefore did not increase the cost to the applicant.

Revenue generated from this fee is used to cover a portion of the Department's expenses associated with passports such as the cost of the passport book, postage, contract labor costs, and salary and benefits costs for passport adjudicators.

Ms. HARTY. Now, you asked a question about how much precisely we have collected. I regret I don't have that figure for you, but I will get it.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE MAURA HARTY TO QUESTION  
ASKED DURING THE HEARING BY THE HONORABLE ILEANA ROS-LEHTINEN

We are aggressively recruiting staff. Our goal is to hire 400 people (mostly passport specialists) before the end of the transition period. Once these new hires have security clearances and are fully trained, this group will increase our adjudication capacity by eight million passport applications per year.

We are also implementing long-term strategies to increase production. Chief among these is a new approach to passport production represented by the Arkansas Passport Center (APC). APC differs from our other passport agencies in that it focuses solely on printing and shipping passports. Applications which have been reviewed and adjudicated at other agencies are transmitted electronically to APC, which prints and mails the passports within 24 hours. APC has already printed more than 400,000 passports and when it reaches full capacity, slated for the end of 2007, it will produce up to ten million passports annually. Eight agencies currently transmit their work to Arkansas. The remaining nine agencies will be able to transmit their work by the end of September.

We are increasing capacity at existing passport agencies, as well. Expansions are in the works for the Houston, New Orleans, Seattle, Miami, San Francisco, and Connecticut agencies. We are also on a fast-track process to acquire additional space for the National Passport Center. And we are adding second shifts to our agencies in Houston, Chicago, Washington, Philadelphia, and San Francisco. We are also exploring opening additional passport agencies later in FY 2008.

Ms. ROS-LEHTINEN. Will you be asking Congress to increase or not pass it on to the taxpayers?

Ms. HARTY. That is exactly right. As a matter of fact, I am attached at the hip with our resource management folks, and we are in that conversation right now, but it is a mechanism that is available, and that is certainly the way we would prefer to go.

And you asked a question about?

Ms. ROS-LEHTINEN. About the Western Hemisphere Initiative.

Mr. ROSENZWEIG. Just briefly on the cost/benefit question that you asked.

Ms. ROS-LEHTINEN. Yes.

Mr. ROSENZWEIG. There is a full-blown cost/benefit analysis that was published along with the Notice of Proposed Rulemaking just a month ago on which we are soliciting comments. That comment period closes in late August, and we have been asking people to provide us their comments on the cost/benefit analysis. But the preliminary one we have concluded is that the benefits far outweigh the costs, especially when you include in the risk reduction factors from decreases in the risk of terrorist incidents within the United States, some of which are obviously potentially catastrophic.

So I guess I was puzzled by Congresswoman Slaughter's bill since it demands something that the departments together in the Notice of Proposed Rulemaking have already begun to do, and that will be completed well before the land portion of the rule is fully implemented.

Ms. ROS-LEHTINEN. And I came in at the last part when the Western Hemisphere Initiative question had been asked by, I believe, the chairman. If you could just explain that. What will we see very soon?

Oh, I am sorry, I did not notice the bells. I will forego my question then, Mr. Chairman.

Ms. HARTY. I need to correct something that I just said. I misspoke about the \$12 fee. It is \$12 and \$6—\$18. The fee did go up for \$12, it did not go up for \$6. That is the one we are trying to work on now. So I misspoke. I want to correct the record.

Chairman LANTOS. We have four votes on the floor. It is the intention of the chair to call a brief recess and resume immediately after the votes will have been cast. The committee stands in recess.

[Recess.]

Chairman LANTOS. The committee will resume.

The gentleman from New Jersey, Mr. Smith.

Mr. SMITH OF NEW JERSEY. I thank the distinguished chair.

First of all, let me say, Ambassador Harty, I know this is probably a somewhat rough day in a sense, but I would like the records to be clear on a very personal note; I do appreciate your leadership on a number of areas. You have worked very closely with many of us on Romanian adoptions, and you have pushed the envelope as far as it could have been pushed, and at some point that will yield results. I was in Romania recently and met with a number of parliamentarians, and the pressure from the EU obviously caused them to pass a law that was not in the interest of Romanian orphans. Even so, I want to applaud you for your leadership on that, as well as when a constituent of mine went lost in the Caribbean earlier this year. Your office and you personally did a tremendous job in trying to work with local officials to ascertain the whereabouts of the lost individual, a man who regrettably we have every reason to believe is now deceased, but thank you for mobilizing that effort.

Ms. HARTY. Thank you very much, sir.

Mr. SMITH OF NEW JERSEY. And I think that needs to be on the record because I certainly do appreciate it.

Mr. Chairman, as I think you know, I have just returned from Srebrenitza, and I would just say this; on July 11, 12 years ago, the killing fields in Srebrenitza were filled with the blood of Bosniaks as some 8,000 individuals, mostly men, were slaughtered in mass murder. On Sunday, I participated in a very solemn ceremony, and there will be another today, attended by Ambassador McElhaney, at which the mothers of those who were lost will be part of a burial ceremony, which will include about 400 individuals who were exhumed from mass graves.

It was a moving, moving weekend for me to be in Bosnia, but especially to be in Srebrenitza, and one thing that really impressed me, and I have known this man for some time, but Reis Cerić, who is the Grand Mufti of Bosnia, is a man of peace and extraordinary kindness and while he talks repeatedly about the importance of accountability, which I think we all have to press for this genocide, he does not talk about retaliation, and he told me the story of one family that is comprised of some 200 extended members of the family who lost 200 members, and the very few surviving members

have not sought retaliation, and that did not happen by accident. It is being actively promoted, accountability but not retaliation for the last 12 years and then into the future.

I also was with President Harris Salijic and spent a considerable amount of time, and Mr. Chairman, you will remember Dr. Salijic was one of those rare voices during the entirety of the Bosnian war. I had him testify twice during the attacks on Bosnia when he raised the foolishness, the folly of the arms embargo which ensured that the Serbian nation had all of the arms and the Croats and the Bosnians were left defenseless, and regrettably, when there was a deployment of peacekeepers, namely UNPROFOR, the Dutch systematically and in a gross series of miscalculations turned over the Bosniaks to Milosevic who then summarily executed them. It is 12 years ago today that all of this began in earnest. July 6 is when it started in terms of the beginning of that, or the end of that siege, and then the actual execution started today.

So if we could just keep them in our prayers. They will or intern a very mass series of marked graves, and I stood among the coffins and I tell you I was moved to tears to be there, and that was this past Sunday. So we should keep them all in our prayers, and hope that there will be accountability for that genocide.

I do have just a couple of questions, Ambassador, about the—I, too, have had—my staff has brought numerous cases to me and they have handled many themselves. We had a man who today is traveling to Italy, who was told that his passport would be FedEx'd on Thursday or Friday after we intervened and constantly asked, Where is it, where is it? He finally had to go to Philadelphia, get emergency assistance; otherwise he would not be able to leave today.

We found out that the status that was provided to us was not accurate, and I have a whole series of examples that my staff has provided to me, and time and time again it turned out that when we were told something was further along, it actually wasn't, only to have the individual be told, oh, we just haven't gotten around to that passport yet.

So we were told, and this is the only question, that new employees were misinterpreting the status information, and perhaps you have touched on this a little bit earlier, but hopefully those new employees and anyone else in the loop are being brought up. At least tell us accurately where we are at, not you but the people out in the field, because it does become very—you know, we convey the information and then they tell us, well, you said it was in the works. We just found that they haven't even started processing it, so maybe you can touch on that.

Ms. HARTY. Certainly. First, let me thank you for your kind words at the beginning of your remarks.

Second, let me say that I am very, very sorry to hear about your constituent and the others that you have had that kind of experience. This is not an excuse, but it is also true that the National Passport Information Center, which we have caused to ramp up and ramp up and ramp up some more, probably could have done a better job at training people as they came on board. Not probably—could have done a better job. But in a desire to get to more phone calls than they were, they for a time had curtailed the train-



ing a little bit to get people on the lines faster, and quick and dirty doesn't do it.

So we actually asked them to go back a couple of steps and take the time to train people because getting bad information is worse because then you make plans on that. So I hope and believe we are seeing less of that. As we have brought more people on board, we have bought ourselves a little bit of that kind of time to do the training that we need to do. We have got to do it.

That is also why we set up a call center in Washington, a call center in Kentucky, and now have recently brought on our call center in Lakeland, Florida, to augment what is being done at the National Passport Information Center just to make sure—get to the calls but that people get the right information when they get on the phone.

Mr. SMITH OF NEW JERSEY. Thank you.

Ms. HARTY. Thank you so much.

Mr. SMITH OF NEW JERSEY. I appreciate it. Thank you, Mr. Chairman.

Mr. SHERMAN [presiding]. Thank you. So you hired this group called BearingPoint and they told you that you could tell everybody going to Canada, Mexico and the Caribbean that they all needed passports, and there wouldn't be a deluge.

Are you going to be doing business with these people again?

Ms. HARTY. Sir, a little while ago before the break I think I was responding to Congressman Delahunt when I said that we put together the estimate. BearingPoint was certainly a part of it, but so was our own analysis of historical trends and our own conversations with our colleagues in homeland security and commerce and the travel and tourism industry, and I just want to make sure that you know that I do not want to put the blame on BearingPoint for this. They gave us a part of an analysis that we then extrapolated in a number of different ways.

Mr. SHERMAN. This happens in government all the time. Huge and enormous mistakes are made and everybody agrees that no one should take the blame, and certainly nobody should be held accountable. If BearingPoint shouldn't be held accountable, who should be?

Ms. HARTY. Sir, I accept complete responsibility for this. I run the Bureau of Consular Affairs. I am in charge of passports for U.S. citizens. And yes, a lot of people put a lot of work into this, but at the very end of the day it is me. That may not satisfy—

Mr. SHERMAN. What was your estimate as to the total number of additional passport requests that this requirement would generate?

Ms. HARTY. 16.2 million.

Mr. SHERMAN. And what were the total number of additional passport requests that were in fact generated?

Ms. HARTY. It looks like we are going to see about 17.5 million, maybe a little bit more than that.

Mr. SHERMAN. Wait. You are saying that this whole crisis is because the number of applicants is 10 percent more than you expected?

Ms. HARTY. No, sir. Really the critical element here was the very compressed demand—1.8 million in January, 1.7 million in Feb-

ruary, 2 million in March—that really caused the system to be—the system was unable to accommodate 5.5 million in 3 months time.

Mr. SHERMAN. Okay. How many did you predict would happen in the 3 months time?

Ms. HARTY. I don't have that figure for you month by month, sir. I can get it. I just don't have it with me.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE MAURA HARTY TO QUESTION  
ASKED DURING THE HEARING BY THE HONORABLE BRAD SHERMAN

We projected we would receive 16.2 million passport applications in the course of FY 2007, but we are now on pace to receive approximately 17.5 million—over a million and a half more than we projected. In the first six months of CY 2007, we projected we would receive approximately 7.5 million applications; however, we actually received over 9.5 million.

	FY 2007 Monthly Receipts Projections
OCT	953,056
NOV	911,625
DEC	991,177
JAN	1,384,580
FEB	1,443,392
MAR	1,844,896
APR	1,579,184
MAY	1,621,419
JUN	1,528,641

\* FY 2007 Monthly Receipt Projections include  
lockbox, counter and mail-in passport applications.

Mr. SHERMAN. But you were hit with 5 million in 3 months.

Ms. HARTY. Yes, sir.

Mr. SHERMAN. Were you expecting 1 million in those 3 months or 2 million?

Ms. HARTY. In the previous year, sir, and even in the previous month before WHTI, we saw 1 million, and in the previous year, in 2006, we did 12.1 million for the year.

Mr. SHERMAN. For the whole year.

Ms. HARTY. For the whole year.

Mr. SHERMAN. So wait a minute. You are used to doing 1 million a year?

Ms. HARTY. 1 million a month, sir.

Mr. SHERMAN. 1 million a month, rather.

Ms. HARTY. Yes.

Mr. SHERMAN. Okay, and you estimate then that an additional 16 million is going to come through, it turns out to be 17 million. When did you think this 16 million was going to materialize, this

additional 16 million? Was it going to be nicely spread out over 3 or 4 years or?

Ms. HARTY. Oh, no. That was for a year, sir, not 3 or 4 years. I am sorry. Maybe I misspoke earlier. We anticipated demand in 2006—well, we saw a demand in 2006 of 12.1 million. That is what we issued that year. We anticipated erroneously receiving 16.2 million passport applications this year.

Mr. SHERMAN. Okay, we miscommunicated there.

Ms. HARTY. I am sorry.

Mr. SHERMAN. Because the question I asked was what was the additional demand—

Ms. HARTY. Yes. I am sorry.

Mr. SHERMAN [continuing]. As a result of this initiative, and your response was 16 million.

Ms. HARTY. Right. Sorry.

Mr. SHERMAN. You were expecting a total of 16 million as compared to a usual 12 million.

Ms. HARTY. The previous years, yes.

Mr. SHERMAN. Okay. So you have got an agency that is used to doing 12, you expected it to go to 16, and instead you got, you say, 5 million requests—

Ms. HARTY. In about 3 months.

Mr. SHERMAN [continuing]. In 3 months when you had expected 3 million in 3 months?

Ms. HARTY. A little bit more than that, sir, but I don't want to mislead you, and I can get you month by month what we projected. I just didn't bring that with me.

Mr. SHERMAN. Okay. Why are you persisting in this initiative, and has anyone sat down and said what harm is being done to all the other agencies in the State Department? Right now training is interrupted, people who should be learning how to translate Arabic and Pashtun are instead in New Hampshire where little Pashtun is spoken?

Now that we realize what happens when we make these demands of our citizens, well, what cost/benefit analysis has been done about grabbing everybody from every agency of the State Department on the one hand versus scaling back and delaying your initiative on the other?

Ms. HARTY. I think that what we needed to do, what we recognized that we needed to do right away, sir, is take care of American citizens' travel needs. And so at the very highest levels of the Department, it has been decided that we will in fact do that. That is a solemn and important responsibility that we have, and so—

Mr. SHERMAN. I applaud your answer but it is kind of a step to the side of my question.

You have got three choices. One, ignore the travel needs of Americans.

Ms. HARTY. Which we are not going to do.

Mr. SHERMAN. And you just explained you are not going to do that.

Ms. HARTY. Right.

Mr. SHERMAN. Two, put this initiative on ice, delay its implementation for a year or 2, say it only applies to people whose last names begin with A and B, and then in a month later, C and D.

Say it only applies to New Mexico and Arizona, and next month to Southern California. In other words, another option is to delay implementation and phase it in.

The third is to raid every agency of the State Department, interrupt training in an effort to avoid doing either of the first two options.

Why have you chosen the third option?

Ms. HARTY. Well, sir, might I indicate that I think we have done a little bit of two of those things, if you will. First, on June 8 together, the Department of State and Department of Homeland Security, announced a flexible, we were calling then and still call a flexible accommodation for people under the Western Hemisphere Travel Initiative, and in very short order we saw that what that allowed people to do was prove that they had in fact attempted to comply with the new requirement. They go on a State Department Web site; they could get their document to prove they had an application in progress.

So in a sense we did do a little bit of what you recommend. But in addition to that, sir, we have the existing workload that we right now need to pay attention to. We need to get the passports out the door, the applications of which are on hand right now. So we are doing several things. We give a little bit of relief so people didn't have to keep applying right now, or worrying if they were simply traveling in the area which previously required a passport under WHTI.

Mr. SHERMAN. Let me rephrase the question then. Okay, you have done a little bit of two, and a whole lot of three. That is to say, a little bit of amelioration of the requirement.

Ms. HARTY. Yes.

Mr. SHERMAN. And we are familiar with those ameliorations, and you could have done a whole lot more. You could have simply said, oops, you don't need a passport to go to Canada, Mexico or the Caribbean until 2009. Instead a decision was made to provide a little bit of additional flexibility to travelers, but pretty much to try to stick with the program on pretty much the original timetable which meant going into the State Department and grabbing everybody you could from every other bureau you could.

What cost/benefit analysis was made between doing a much longer phase-in of the initiative versus—and that would be harmful in some ways—versus the harm to the State Department of grabbing as many bodies as you can?

Ms. HARTY. The analysis, sir, is the work needs to be done. We owe the people who have applied for passports their documents now as quickly as we can, just in the same way as the State Department has just a storied history of helping American citizens in distress. Some of these very same people who are right now responding and helping us with this need were the same people we sent to Lebanon and Turkey and Cyprus last year as we evacuated 14,870 people.

Mr. SHERMAN. If I could, because I see Mr. Royce is here and I want to get to him, obviously if people really want a passport and they want it now, and they applied for it weeks ago, you ought to do all you can to help them. Obviously, though, you could dramatically reduce demand if you announced no passport—the old rules

would apply—Mexico, Canada and the Caribbean—through the end of this year or halfway through next year.

You have chosen not to do that. Why? I realize the reason not to do it is because there are reasons we want people have passports. What cost/benefit analysis was made on the one hand disrupting other bureaus versus trying to adhere to something close to your original approach?

Mr. ROSENZWEIG. Let me try and answer that, Congressman because I think, with respect, you are asking the wrong question.

The costs and the trade-off in the Department of State are relatively trivial next to the costs broader across the economy and the benefits broader across the economy. To be sure, if State redirects resources, they are going to be doing something else, but the real question is whether or not the costs exceed the benefits for delaying this in terms of American security and safety, and with all due respect, now there is a robust cost/benefit analysis of that in the Notice of Proposed Rulemaking that came out last month, and it demonstrates, I think, decisively that the reductions in risk that we are going to see from the imposition of better travel documentation. You actually give me a chance to use my visual aid.

This is my colleague Woody's birth certificate. It is now an acceptable document. It is eminently forgeable. It is essentially meaningless as a document to prevent terrorists or other people who would do harm, whether they are drug dealers or smugglers, from entering the United States.

Mr. SHERMAN. Mr. Rosenzweig, I don't think I asked the wrong question, but I do think you gave me the right answer.

Mr. ROSENZWEIG. Okay.

Mr. SHERMAN. I asked for a cost/benefit analysis of delay, and you are saying that you think the disruption in the rest of State is trivial. I disagree with you. But you say that this program has an overwhelming benefit on the security side, and that it is worth some degree of disruption, and your visual aid drives home your point, and Mr. Royce is right here waiting patiently, and I know he has got some questions for us.

Mr. ROSENZWEIG. Let me apologize for characterizing the disruptions as trivial.

Ms. HARTY. They are not trivial by any means by any sense of the imagination.

Mr. ROSENZWEIG. They are significant but they are smaller in dimension. That was a bad choice of words.

Mr. SHERMAN. So it is a choice between disruption and security, but you think the security benefits are very substantial, and you have illustrated well with a yellow piece of paper.

Now we will hear from Mr. Royce.

Mr. ROYCE. Thank you, Mr. Chairman.

I wanted to just bring up—Mr. Rohrabacher earlier brought up the question of the drug smuggler who worked for a cartel. Cartels run the most sophisticated document fraud operations in the United States, and frequently they run circles around our authorities, unfortunately. Contending with the cartel's ability to manipulate operations is a real challenge. As I understand the letter from Mr. Rohrabacher and from Mr. Delahunt to your office, they have requested the date on that drug smuggler's I-94, and this is an in-

dividual who was adept enough to help secure an 11- and 12-year prison sentence for two of our border agents, and subsequently ran additional drugs into the country as a result of using his travel documents to do so, and his immunity to do so.

So I think it is worth divulging that information to the committee for the record. But let me now go to the points that I want to make.

The 9-11 Commission said that travel documents for terrorists are as important as weapons, and they went through the ways in which we could have prevented 9/11. For example, Visa Express. We now understand the problem with trying to push a system without adequate investigators which end up in this case having Saudi travel agencies run operations, but let people that otherwise would have not been allowed in the country in automatically.

It does bring up the lesson that we need investigators in terms of our document fraud procedures. Certainly Mahmud Abouhalima, in 1986, who obtained amnesty by lying on his form and saying he was here in the country to be a seasonal agricultural worker. If it had been investigated, it could have been found that that was a lie; that in fact he was driving a cab while working at the time with his jihadi cohorts.

Well, by getting those travel documents, as the 9-11 Commission keeps focusing on, he was able to go back and forth to Pakistan, get the training he needed to carry out the first attack on the World Trade Center.

So we come back to this question for Assistant Secretary Harty, and I mentioned some of this in my opening statement, I have some security concerns. When Consular Affairs suspects passport fraud, they refer that case to the Bureau of Diplomatic Security whose agents are charged with investigating the case.

Before September 11, there were only 7 million passports produced annually. Now we are in a whole new security environment and Consular Affairs is now producing twice that number, and anticipating three times that amount of passports in the very near future. Yet we have not seen from the Department a request for an increase in the number of investigators, only for those processing applications. We need more processors, but at the end of the day we need secure passports.

Furthermore, the referral rate on passport fraud is only .02 percent. Now what that means is there are only two passports for every 10,000 that are getting referred. That tells us that there is either a very low incidence of passport fraud, or we are not catching all that we should. I fear it is the latter based upon our past experience with fraud.

So could you address my concerns on security? In your testimony, you state that "Consular Affairs and Diplomatic Security are coordinating to determine the number of additional diplomatic security staff that will be needed." When could we expect that request to go through, because it has been a long time since 9/11?

Ms. HARTY. Certainly, sir, it has been, and Diplomatic Security, I believe, has briefed on the Hill a number of times on their strategic plan. That is something that is beyond the work in progress. I don't have with me the numbers of how many new agents Diplo-

matic Security has asked for, but I did want to take an opportunity to say a couple of things about our own fraud prevention work.

We have a terrific relationship with the Bureau of Diplomatic Security, and the border security funds that we collect, in fact, are transferred each year to cover the cost of, I think, 129 or so diplomatic security agents who work in the field offices that are often side by side or in the same city as our passport agencies are, and they are in our offices all of the time just in the same way a number of years ago we created an ARSO-I Program, Assistant Regional Security Officer Investigator Program, so that we also could invite diplomatic security officers into a number of our key consular sections abroad to make sure that we get the best possible anti-fraud bang for the buck, and the expertise that they have.

With respect to the number of cases that we refer, it is, of course, difficult to prove a negative. We don't know how many cases we don't catch, but since October 2004, we have had a number of new training initiatives, and every adjudicator spends a stint in our fraud prevention office not only so that they can learn everything there is to learn about what we are looking at and what we need to look at, but so that they can become inherently more aggressively interested in and pay attention to fraud.

I, too, have things to show, and these are all a series of manuals that we expect our officers to utilize: Effective fraud interviews, detection of counterfeit documents, detecting impostors, examining U.S. passports past and present, a number of what we call self-instructional guides. We have a lot of different training that we put people through.

One of the things that we also did several years ago now is we made available to our fraud prevention managers commercially available databases so that we could check behind the application if we had a suspicion. Was there really a person there or was it a fantasy creation? Was it somebody who was trying to assume the identity of someone long since deceased? We have our own database. I could go on but we have our own—

Mr. ROYCE. But manuals at the end of the day aren't investigations.

Ms. HARTY. No, sir.

Mr. ROYCE. And the point I want to come back to is we had 129, I think it was then; we have 129 now diplomatic security agents. That has not gone up. A rate of .02 percent, that is two for every 10,000. So you know, it is the diplomatic security investigators who go out in the field and they knock on the doors and many times they are able to discover broader fraud rings.

Ms. HARTY. Yes, sir.

Mr. ROYCE. And because of the quality and because of the magnitude of fraud that is out there at the end of the day it is vital we task our investigators and increase the amount of people involved in that when you have this arithmetic increase of additional travel documents.

Now, we should be able to serve Americans in a timely manner and ensure their security. And ensuring their security is the component of this that has to additionally be addressed. So that is the point I need to make to you, and I thank you, Ambassador.

Ms. HARTY. Thank you, sir.

Mr. SHERMAN. Thank you, Mr. Royce.

You folks have been here a long time. I do have a few more questions. Maybe my colleagues do as well, so I will ask you to bear with us.

Building on Mr. Royce's question, that is a startling statistic that only two out of every 10,000 passports are referred to Diplomatic Security. Is that ratio the same as existed a couple of years ago or different?

Ms. HARTY. In fiscal year 2005, we referred 2,894 cases to our colleagues in Diplomatic Security, and we are the entity that refers more than anyone else. Most of their work does come from us. In fiscal year 2006, we referred 2,874 cases. Fiscal year 2007 to date, we have referred 2,123.

But I would like to make the point again, sir, that I believe that the quality of the referrals has gone up as we made a variety of different databases available over the last couple of years to our own people, which they did not previously have. We are not sending the frivolous things to DHS that we can figure out ourselves now.

I would also like to say that we did, in 2005, a validation study, pulled 20,000 individual cases out just to take a look at them ourselves as a random sample, and we have every intention of doing that annually. Out of that 20,000 random sample, we did find two that should not have been issued, and what we do whenever that happens is we look at what was done incorrectly, and we council the employee, so we make that a teachable moment.

But the validation study is also a very useful thing for us to do and certainly we will continue doing that.

Mr. SHERMAN. So two out of every 10,000 passport applications go to Diplomatic Security, but then if you look at a bunch that were issued and didn't go to Diplomatic Security, two out of 20,000 turned out to be erroneous. So the rate of erroneous passports—

Ms. HARTY. And, sir, that is exactly the right word to use, erroneous, because sometimes it in fact isn't fraud. Sometimes it is a different kind of error, and that is somebody who we erroneously decided had acquired citizenship when they didn't, and that is why it is a very useful thing for us to do a validation study. It is why we are going to do one every year. We have to learn in every way we can what we are looking at and how we can best do our jobs.

Mr. SHERMAN. Now, the State Department is bringing in, I am told, 800 additional people are going to be hired and trained this year and next. How many of those are going into diplomatic security? And Mr. Royce, I think, pointed out that you had a little over a couple hundred people in diplomatic security. Are you planning to have more?

Ms. HARTY. Sir, the 800 that I think you are eluding to are 400 that we are picking up before the end of this fiscal year in Consular Affairs to do passport adjudication, supervisory work, fraud prevention work, and 400 in the first quarter of the next fiscal year.

I am sorry, sir, but I don't have number for Diplomatic Security. We can try and get those for you.

[The information referred to follows:]



WRITTEN RESPONSE RECEIVED FROM THE HONORABLE MAURA HARTY TO QUESTION  
ASKED DURING THE HEARING BY THE HONORABLE BRAD SHERMAN

The Department recently provided Congress with a notification updating the FY 2007 Border Security Program spending plan. This increase will allow the Department to hire 400 additional personnel in FY 2007 to meet the unprecedented increase in passport applications and expand operations at facilities in Portsmouth, New Hampshire, and Miami, Florida. The immediate focus of this hiring plan (and the anticipated request for 400 additional personnel in FY 2008) is designed to reduce the backlog of passport applications and provide a capacity to effectively manage the future issuances of passports.

Consular Affairs and Diplomatic Security are evaluating the unprecedented passport application increase and its implications for fraud prevention and fraud investigation resources. Diplomatic Security is now working with the Department to secure additional resources that may still be available in the FY 2008 budget process as well as looking to address priority needs in the FY 2009 budget process. Over the course of the next three years, DS projects that it will require additional domestic and overseas agent positions to continue its efforts to combat terrorist travel and support increased fraud investigations.

Mr. SHERMAN. So you are not aware of any expected increase in the number of people working Diplomatic Security?

Ms. HARTY. I know that my colleague, Assistant Secretary Griffin, has asked for additional officers. I just don't know how many and I don't know the status of that request, sir.

Mr. SHERMAN. One last line of inquiry here. I understand in 2005, just months after the Western Hemisphere Initiative was passed into law, you announced plans to hire an additional 400 to 500 adjudicators by 2006 to deal with the anticipated increase in passport applications. I am told that, although the plan was to hire 400 to 500, you were only able to hire 200. Is that correct?

Ms. HARTY. What we have got, sir, in 2005, we had 508 full-time adjudicators. Right now I have 798 full-time adjudicators, and before the end of this fiscal year we will hire about 300 more because we have already brought on 109 last week or 2 weeks ago. So it is a number that is growing, and I will also say in addition to the 400 for this fiscal year, and 400 in the first quarter of next fiscal year, the Under Secretary of Management and I have talked at great length about something that I mentioned earlier this morning, and that is that we are also looking to grow the system even wider, put some passport agencies in different places so that we have a little bit more regional representation and a little bit more convenience for American citizens.

Mr. SHERMAN. Was the plan to hire 400 to 500 and have them on board in 2006 when in fact you only had a couple hundred on board when the wave began, the avalanche of applications?

Ms. HARTY. Sir, we brought on 290 between fiscal year 2005 and fiscal year 2007. I am not sure what announcement that you are looking at there. I would be happy to look at it.

Mr. SHERMAN. So you are not aware of any plan to have 400 or 500. You have had over 200, and you are trying to do more.

Ms. HARTY. Two hundred ninety, sir.

Mr. SHERMAN. Well, yes, but that 290 is all the way, you know, midway through 2007. The avalanche hit in January. The information I am given is how many you plan to have on board at the end of 2006. Clearly, if you had had 400 to 500 on board, trained, ready to go by the end of last December, we wouldn't be having this hearing here.

Ms. HARTY. Well, sir, I perhaps should give you a different number then because, in 2005, I was talking specifically about adjudicators, and perhaps I should have gone a little bit wider with the number of passport staff hired altogether.

In fiscal year 2005, this is both FTE and contractors.

Mr. SHERMAN. You were giving me the right answer because I was asking about adjudicators.

Ms. HARTY. Okay. But there is a little bit more to it than adjudication. You have got fraud prevention managers, you have got customer service people, you have got supervisors who in fact themselves often adjudicate although it is not their full-time job.

Mr. SHERMAN. Yes.

Ms. HARTY. So total passport employees hired in fiscal year 2005 was 456, total passport employees hired in fiscal year 2006, 923, total for this year, 1,559. It isn't just about adjudicators.

Mr. SHERMAN. Right.

Ms. HARTY. Although that is a critical element.

Mr. SHERMAN. Thank you for those additional statistics. My question was about adjudicators. I don't know if our ranking member has additional questions. It appears as if she does.

Ms. ROS-LEHTINEN. Thank you. Just one question to follow up on what we had been discussing in terms of the Western Hemisphere Travel Initiative, and of course, we want to keep in mind, as so many of us have said, the security concerns.

Ms. HARTY. That is right.

Ms. ROS-LEHTINEN. And then coupled with the customer, the friendly atmosphere that we want to make sure that we have with our neighbors that allow commerce and travel to take place, and the delicate balance that you need to have.

We have suspended the Western Hemisphere Travel Initiative, the part about requiring passports, until September 30, and now the individual needs to show proof of application and a government-issued I.D. card—Canada, the Caribbean, Mexico, Bermuda, et cetera.

When September 30 hits, and we go back to what we had planned, which is you need a valid passport, how many people will you be requiring in order to process these applications, and will we be having another one of these hearings in October to talk about the madness going on in our passport offices?

Ms. HARTY. I invite my colleague from DHS to correct me if he disagrees with me, but I have previously stated at an earlier hearing that I don't regard September 30 as a hard and fast date. I would very much like to have this be well before September 30, and it is certainly what we are trying to do. But we will have a conversation about that at that time—before that time. Excuse me. We do not want to get in the situation again.

Ms. ROS-LEHTINEN. So your hopes and what your objective is to clear up the backlog and the long—

Ms. HARTY. And continue hiring people.

Ms. ROS-LEHTINEN [continuing]. Delay so that folks will have to have their passports before September 30, so all of those individuals who are listening to our hearing, they shouldn't plan on, oh, if I am going anytime before September 30, I don't need to worry about it, I won't need a passport?

Ms. HARTY. Well, September 30 is the date right now, and we very much are working toward getting back to the service standard that we have previously and historically been accustomed to of 6 weeks, but we will not—September 30 is not a hard and fast date if we find that we are not in the situation we want to be in.

Do you want to add something to that?

Ms. ROS-LEHTINEN. You mean it could be further delayed rather than forward?

Mr. ROSENZWEIG. We won't pull it forward. We are not going to do that to the American public, but we do have every confidence that State Department can return to its traditional time frame for issuance of passports, at which time the—

Ms. ROS-LEHTINEN. Which is 6 weeks.

Mr. ROSENZWEIG. Which is 6 weeks, at which time the time that we have announced would lapse. We will keep that under advisement as we go forward, and if circumstances dictate flexibility, we have demonstrated in the past and I trust we will demonstrate in the future that flexibility.

I should add, as I said I think before either of you got to the hearing, that that flexibility is a long-time traditional aspect of all of our border admissions and it applies not just in this context, though there is a large number here, but it applies to others who arrive from Europe or Asia and lack the right travel documents. We will, and we always have approached each case on a case-by-case basis, and we intend to continue to do that.

Ms. ROS-LEHTINEN. Thank you. And I don't know if this was covered before, but the expedited passport procedure, I know that you are returning the money to those who had paid for it and did not get it expedited, what is the normal time frame for expedited? What is it now and what do you hope to get it to be?

Ms. HARTY. 2 to 3 weeks, and 2 to 3 weeks, and we would like to try and keep it at that. When people apply for a refund, and we take them on a case-by-case basis, but yes, we have refunded a lot of money.

Ms. ROS-LEHTINEN. Thank you very much.

Ms. HARTY. Thank you very much.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman.

Mr. SHERMAN. Thank the gentlelady from Florida, and recognize the gentleman from the Florida.

Ms. BILIRAKIS. Thank you, Mr. Chairman.

Many citizens did not hear about the new WHTI requirements before they went into effect. Most people now are confused about when they need a passport to go to Canada, Mexico, the Caribbean or other WHTI locations. Is there anything that they may need, even if it is land or sea? I know there is a lot of confusion out there, misinformation.

What went wrong with providing people timely information and what could State do now to improve the information flow to citizens, particularly in the future?

Ms. HARTY. I agree with you completely, sir, that people have a misunderstanding about who needs a passport and when. As a matter of fact, I think an awful lot of people have applied for passports who don't need them yet. Lots of people indicating that they are traveling to Canada and Mexico who right now, and even tell

us on the phones, that they are driving and don't need a passport right now, but nevertheless I think through our own media efforts have just heard the "Get a Passport" message, and so are getting passports.

We did a pretty robust ramp up of public diplomacy with DHS and side by side in the months before the January 23 deadline, and my colleague can talk a little bit about the compliance rate and the number of Americans coming back into the country who do in fact have the documentation that they need, but I think what is very clear, really very clear is that notwithstanding a lot of briefings, notwithstanding a lot of media that myself and a number of other people on my team did, notwithstanding a Web site that got 219 million hits last year, notwithstanding even the fact that for the Macy's Day Parade we bought the ticker that runs in Time Square so that we would even make sure a large audience that watches the parade would see that.

We didn't get the word out to people who actually needed a passport and who actually didn't need a passport yet. So as we go forward, and as we look toward the time when we will transition to the land border phase, we will just do more public outreach than anyone could ever imagine. We just have to do a much, much better job at making sure people understand the requirements.

Ms. BILIRAKIS. I had another question here. I keep here, just like everyone else, we have had several constituents that are having problems, very frustrating, and that frustrates me. Some of my constituents have said that they have had a passport and because it expires within a certain period of time, I think that is current law, they would have to renew their passport.

Why don't you inform me on that, and give me the reasons why as well.

Ms. HARTY. Well, a passport is good for 10 years.

Ms. BILIRAKIS. Yes.

Ms. HARTY. And then we ask you to renew it. In the main, people actually change what they look like. That is, as a matter of fact, why children's passports are only good for 5 years. We want to make sure that your passport adequately and appropriately represents the bearer. I actually probably would prefer to carry the passport that I had when I was 25 rather than 48, and there is the crux of it, sir. We do need to know that the bearer of the passport is the person who the passport says they are.

Renewals traditionally are done very, very quickly, but there are also some other reasons. From time to time, there is somebody who is not eligible for a second passport, that is, a renewal of their passport. That is in the case of a deadbeat parent. Somebody who owes more than \$2,500 in child support will not get a U.S. passport until they have met that obligation. There are, of course, people who are from time to time, unhappily, the subject of Federal wants and warrants, and that is another reason that we do all the kinds of name checks we do to make sure that somebody—a Federal law enforcement authority does not want to leave the country does not leave the country.

Ms. BILIRAKIS. Well, that is very helpful, but I was referring to they have a current passport that is currently valid. However, it would expire within a certain period of time, and they were not al-

lowed to actually submit that passport. For example, currently it is valid, but within 2 months it would not be valid, and that is what I have been hearing, and they can't take the trip.

Ms. HARTY. There are a number of other countries, sir, that require any passport, any carrier from any country to be valid for 6 months beyond the date of validity of the passport. Is that what we are talking about?

Ms. BILIRAKIS. Yes, that is what I am talking about.

Ms. HARTY. Yes, okay. That is the prerogative of other countries, that they set the standard for what kind of document they want to see, and that is not an uncommon standard, that they would like to see that the passport has some validity beyond—well, they have enough time on their passport and often more than 2 months, it is often 6 months.

Ms. BILIRAKIS. Okay. One last question if I may, Mr. Chairman.

As a result of the backlog, entry into the United States may be permitted with an existing form of identification.

Ms. HARTY. Yes.

Ms. BILIRAKIS. And proof of application for a passport from the State Department. What procedures—and you may have covered this—what procedures are in place to ensure that this document cannot be forged?

Ms. HARTY. I didn't cover that, sir, but I am happy to now. Thank you for that question.

Ms. BILIRAKIS. Sure.

Ms. HARTY. We ask you to go on our Web site. It simply says, "Click here for proof of passport application." The Web site itself is [travel.state.gov](http://travel.state.gov). When you do that, you will get a piece of paper that says, "U.S. passport application status," and it indicates that you in fact have applied for a passport.

That information is available at ports of entry, to my colleagues at CBP, so it is not just simply a question of you running to a Xerox machine and making a copy of this. It is a question of you having this, and this then points to CBP's system when you come back into the country. You, of course, also need a photo I.D., but this document is useful in particular because it points to the database they can access.

Ms. BILIRAKIS. Okay, thank you.

And I would also like, Mr. Chairman, to voice my support for the chairman in requesting those who paid the expedited fee be refunded if they did not get the expedited service.

Ms. HARTY. Thank you.

Ms. BILIRAKIS. Thank you so much. Appreciate it.

Mr. SHERMAN. Let me recognize the gentlelady from Texas.

Ms. JACKSON LEE. Mr. Chairman, thank you, and I do thank the witnesses. We have had a hearing and a break, and we are back, and so I want to express my appreciation, and to the chairman and the ranking member. I will offer a few reflective thoughts. I have described them as reflective by my own description. I know that you will make your own determination, but let me first start off by thanking the personnel of the State Department and DHS who are out in the field, and might I also particularly add my appreciation to the regional office that is located in Houston, of which my office is in.

So you can imagine that I became the recipient of more than flowers as we stepped over bodies that were circling buildings, that expressed or that showed the pain of exasperation. I have two children. Our flight is 6 a.m. tomorrow morning. We have sent our materials in 5 months ago or however long it was, and I have got it for this child but I don't have it for this child, and the children were not 21 or 18, they were 9 and 10.

What you call outright casework, if you will, on the streets of Houston is what we had to do. It was hot. It was difficult. The passport personnel were out on the streets themselves, walking up and down the line. Let me congratulate your regional leadership during that time. They were putting in, I would say, 24-hour shifts.

I say that to say that you might have heard from my colleague. Congressman Gene Green is a member of this committee as well. We wrote a letter and we are not sure if we have ever gotten an answer. And so rather than to prolong the hearing, I want just two quick questions to the Ambassador, and then I will finish with the Secretary.

But the point is that have you added, even in the fact that you have extended or not put in place the Western Initiative, do you have a number of new staff that you have added since our raising of the issue—I won't use the word confrontation, I will just say raising of the issue, I guess around the end of June, beginning of July, do we have additional personnel now on the ground?

Ms. HARTY. We do, ma'am. We have 109 full-time permanent employees who just 2 weeks ago came on. That is the most recent tranche. Fifty more will come in in the next pay period. We also have constantly, we have been hiring constantly almost since 2005. I went through a couple of number a little bit ago, but we also have right now to get to the sort of work that is currently sitting in the system close to 500 people from the State Department who are either doing customer service work or who are doing actual adjudication work.

Ms. JACKSON LEE. Excuse me for interrupting. I am going to go fast because I am going to ask at the end of this if you could just put it in writing.

Ms. HARTY. Sure.

Ms. JACKSON LEE. And I appreciate the chairman's indulgence.

Let me ask, are those people now distributed out in the field? Do we have more personnel in Houston? I only use Houston as a regional office example, not to exclude other sites around the country. Are there more personnel that I could go upstairs/downstairs and have the officer tell me here are 10 new people that are in our office?

Ms. HARTY. I am just checking to see what the numbers are for Houston right now, ma'am. In fiscal year 2006, we had 82 there. Right now year to date we have 95, and we also—I think you may have seen this, two different SWAT team or fly-away team visits where we augmented the staff.

Ms. JACKSON LEE. Some did come in.

Ms. HARTY. Yes.

Ms. JACKSON LEE. And I will ask you to—I know that the committee may be interested, but I would ask to get a report on all of the regional offices.

Ms. HARTY. Sure.

Ms. JACKSON LEE. And show the increase, but I would like to be able to see if there was an increase post-June 30, 2007, which is—I don't want to prolong that right now.

The other question I want to ask very quickly is, did we get more people on the 800 number?

Ms. HARTY. Oh, yes. Oh, yes.

Ms. JACKSON LEE. There is the 800 number.

Ms. HARTY. Yes.

Ms. JACKSON LEE. And if you could do that in the letter as well.

Ms. HARTY. Sure.

[The information referred to follows:]



United States Department of State

Washington, D.C. 20520

JUL 18 2007

Dear Ms. Jackson-Lee:

Thank you for your letter of May 25 regarding delays in processing passport applications, specifically at the Houston Passport Agency. In addition, at the July 11 House Foreign Affairs Committee hearing on passport delays, you asked the Department to provide in writing information on staffing increases at the Houston Passport Agency, as well as actions taken to improve service at the National Passport Information Center (NPIC) and meet the growth in passport demand. Please be assured that we are working diligently to resolve the problems associated with the unprecedented demand for passports. We apologize for the delay in our response to your original inquiry.

Since January 23, 2007, all U.S. citizens have been required to present a valid passport when traveling to the United States by air. To meet the anticipated increase in demand resulting from this requirement, the Department of State enhanced passport production capacity by hiring more personnel and improving physical facilities, including those at the Houston Agency. During the fall of 2006, we significantly expanded the Houston Agency to accommodate an additional 22 workstations. In FY 2006, Houston had total staff of 82, which included 28 adjudicators. As of July 2007, Houston has a total staff of 95, 39 of which are adjudicators. The ongoing expansion of the agency will allow for the addition of 50 new employees, including additional adjudicators, adjudication managers and supervisors. We expect these measures will position Houston well to meet the anticipated increase in demand when the land and sea phase of the Western Hemisphere Travel Initiative (WHTI) is implemented.

Enclosed, please find a summary of the many actions we have taken to date to improve service at NPIC and to meet the growth in passport demand. Information regarding staff increases at passport agencies and centers across the country is also enclosed.

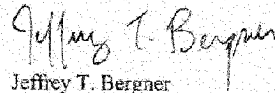
The Honorable  
Sheila Jackson-Lee,  
House of Representatives.



At this time, we project demand for passports will increase to approximately 23 million in 2008, and may be as high as 30 million by 2010. Over 79 million Americans currently have passports – somewhat more than 25 percent of our citizens. We are implementing long-term strategies to ensure we have the capacity to meet higher demand and provide Americans with passports in a timely and secure manner. We look forward to discussing our plans with you and other members of Congress.

We hope this information is helpful in addressing your concerns. We have enclosed a list of passport contacts that your staff may find useful in attempting to respond to constituent inquiries. Please feel free to contact us further on this or any matter of concern to you.

Sincerely,



Jeffrey T. Bergner  
Assistant Secretary  
Legislative Affairs

Enclosures:

Passport Demand Growth  
Staffing at Passport Agency/Centers  
Congressional Contact Information

### Passport Demand Growth

Demand for U.S. passports is at unprecedented levels, and passport production is soaring. We issued 10.1 million passports in fiscal year 2005, and 12.1 million in FY 2006. As of July 2, we have issued over 12 million passports this fiscal year -- a 34 percent increase over the same period last year. We are on pace to issue over 17 million passports this fiscal year.

We expect to reduce significantly the number of applications pending in our system and return to our traditional processing time of six to eight weeks for routine applications by September 30, the end of the Western Hemisphere Travel Initiative (WHTI) Air Phase accommodation period. Our work in progress will go down based on our projections for continued decrease in receipts, our continued use of Department volunteers, overtime and extended hours, and our ongoing efforts to hire and train additional staff.

**What the Department is doing now to return to our traditional processing times of six to eight weeks.**

The Department has implemented a number of strategies to assist American travelers, address the growth in passport demand, and return to our traditional service standards by September 30, 2007.

#### Temporary Accommodation

- The Departments of State and Homeland Security announced Friday, June 8, that U.S. citizens traveling to Canada, Mexico, Bermuda or countries in the Caribbean region, who have applied for, but not yet received passports, may re-enter the United States by air. This accommodation does not mean that Americans are exempt from meeting the entry requirements of Canada, Mexico, Bermuda or countries in the Caribbean region. Entry requirements for those countries remain in effect. Entry requirements for countries are self-determined.
- We have reached out to the governments of countries affected by WHTI to consult with them about our announcement. Many of them also will be able to take a flexible approach. Governments communicate their policies on entry requirements to the International Air Transport Association (IATA), which in turn advises commercial airlines of the documents that passengers

must bear to board international flights. Americans flying to countries affected by WHTI should contact their airline before departure to verify this information.

- Adult U.S. citizens traveling to Canada, Mexico, Bermuda, or countries in the Caribbean region who have applied for, but not yet received passports, can re-enter the United States by air by presenting a government issued photo identification and Department of State official proof of application for a passport through September 30, 2007. Children under the age of 16 traveling with their parents or legal guardian will be permitted to travel with the child's proof of application status. Children traveling alone should carry a copy of their birth certificate, baptismal record, or a hospital record of birth in the United States in addition to their passport application status documentation. Proof of passport application can be obtained on-line at [travel.state.gov](http://travel.state.gov).
- This accommodation applies to all American citizens who apply for passports, until September 30, when this accommodation period ends. U.S. citizens with pending passport applications can obtain proof of application at: [http://travel.state.gov/passport/get/status/status\\_2567.html](http://travel.state.gov/passport/get/status/status_2567.html).
- Since implementation, U.S. Customs and Border Protection has and will continue to exercise its current authorities in unique circumstances to allow individuals subject to the WHTI requirements to enter the United States based on other evidence of identity and citizenship.

#### Strategies to Increase Passport Production

- We expanded the hours of operation at all of our passport agencies, including evenings and weekends; counters are open on Saturdays for emergency appointments, which we are scheduling through our call center.
- The National Passport Center (NPC) in Portsmouth, NH and the Charleston Passport Center (CPC), which together issue over 50 percent of all passports nationwide, are operating 24 hours a day in three shifts. Several agencies now operate two shifts.
- On March 28, we began operations at the Arkansas Passport Center (APC) in Hot Springs, a mega-processing center that will be our largest passport production center. APC has already printed over 300,000 passports.

- We continue to institute mandatory overtime and have suspended all non-critical training and travel for passport staff until further notice.
- Qualified State Department employees are volunteering to help process passport applications. These volunteers supplement the Department's corps of passport specialists and are working two shifts during the week and all day Saturday and Sunday to optimize existing equipment and space.
- We obtained an OPM exemption to the hiring cap for Civil Service annuitants, so that we can bring back experienced and well-trained retired adjudicators while we continue to recruit and train new passport specialists. Many retirees have answered our call and are returning to work in passport agencies where, in addition to helping with the workload, they will provide critical management support as hundreds of new employees complete training and begin work. Recruitment continues across the country.
- We are aggressively recruiting staff. We have hired hundreds of government and contract employees since the beginning of 2007. We plan to hire up to 800 new government employees and 750 to 800 contractors within the next year. Government employees can adjudicate passport applications, while contract staff perform critical support functions to print and mail out adjudicated passports.
- We dispatched teams of passport specialists to exceptionally high volume passport agencies to assist with walk-in applicants and to process pending applications. These teams also provide customer support, including locating and expediting the applications of customers with urgent travel needs.
- We are sending personnel to fill in behind these teams. Three hundred Presidential Management Fellows, Career Entry Program participants, and entry-level officers currently working in bureaus throughout the Department will be reassigned to the National Passport Center and the New Orleans Agency for the remainder of the summer to adjudicate passport applications. They began training on July 9 and will begin work on July 16.
- Twenty experienced consular officers who had planned to take a three-week advanced training course will instead adjudicate passports in New Orleans. We are postponing the language training or post assignment of the officers who will complete general consular training this summer, so that they can stay to help adjudicate passport applications.

#### Response to Increased Call Volume

- The National Passport Information Center (NPIC), our call center, increased staff to over 550 customer service representatives and over 150 more are in training. NPIC increased its operating hours to respond to heavy call volume.
- We increased staffing, established an email box, NPIC-CONG@state.gov, and installed high-capacity lines dedicated to Congressional inquiries at NPIC. (Please Note: To prevent these resources from being overwhelmed with inquiries, which would reduce our ability to work with you in meeting emergency cases, we ask that you not share this e-mail address or the dedicated phone number with your constituents.)
- To supplement NPIC, CA established a temporary phone task force at the Department. State Department employees are volunteering to provide information, respond to urgent requests, and help Americans get their passports.
- We also established a temporary call center at the Kentucky Consular Center (KCC), staffed with about 100 operators, working two shifts.
- We increased staffing at KCC and the Department's telephone task force and installed high-capacity telephone lines at NPIC to increase the volume of telephone calls it can receive. We expanded to a fourth call center in Lakeland, Florida, where 165 operators began taking calls on June 28.
- These additional resources will give us the time, staffing, and physical capacity to reduce our current workload. We expect to be well on our way to normal processing times by September 30, 2007.
- CA continuously updates the information on our website to inform applicants when applications are received and completed.

**Department Preparations Prior to Implementation of WHTI Air Phase in Anticipation of Increased Passport Demand**

We have been planning for increased demand since Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004, requiring that all travelers have a passport or other secure document for travel into and out of the United States. We planned for a sharp increase in passport applications based on our projections of anticipated travel plans and the results of a survey performed by an independent contractor. We projected we would receive 16.2 million passport applications in FY 2007 and ramped up capacity to meet this demand:

- We hired over 2,500 employees in Passport Services in less than three years – passport adjudicators, fraud prevention managers, line supervisors, and the contractors who perform critical support functions at our passport agencies. We will hire an additional 400 this fiscal year and will continue to increase that number to ensure our resources match projected demand.
- We have hired more than 290 additional passport adjudicators, increasing from 487 in FY 2005 to 822 today.
- In January 2006, we added a second shift at our Charleston Passport Center and implemented 24/7 operations at our National Passport Center.
- In October 2005, we opened a 17<sup>th</sup> passport agency in Colorado to meet the travel needs of citizens throughout the Rocky Mountain region.
- We expanded our agencies in Houston, New Orleans, Boston, Chicago, and Seattle.
- We implemented the National Training Program (NTP) for Passport Specialists, a two-week basic training course designed to introduce new specialists to passport adjudication. More than 50 percent of the current passport specialist workforce has been trained through NTP.
- We increased the number of passport acceptance facilities to over 9,000 nationwide.
- We implemented a Centralized Appointment System, which allows customers to schedule appointments through the National Passport Information Center for any of our domestic agencies.

- We implemented an online status check service. This service, available through the Consular Affairs website, [travel.state.gov](http://travel.state.gov), allows customers to check the status of their passport application as it goes through the processing stages.
- We expanded our lockbox service with two sites, one in Delaware and another in California, which operate 24/7. By expanding lockbox coverage from one central site to two, the Department now has increased processing operations and service capacity.
- We posted all passport application forms online on the Consular Affairs website, [travel.state.gov](http://travel.state.gov). Customers can fill out the form online or download a blank form. Passport application forms completed online are printed with a barcode, which allows the information to be automatically entered into the passport Travel Document Issuance System when the application arrives at an agency.

#### **Addressing Record Demand: The Longer Term**

- We currently project that demand for passports will be approximately 23 million in 2008, and as high as 30 million by 2010.
- On June 8, the Department sent a formal Congressional Notification regarding plans to re-program nearly \$37,000,000 for the FY 2007 Border Security Program. We will use the additional funds to hire 400 new passport adjudicators this fiscal year, and to fund expansion of the National Passport Center and the Miami Passport Agency.
- We are also implementing long-term strategies to increase production. Chief among these is a new approach to passport production represented by the Arkansas Passport Center (APC). APC differs from our other passport agencies in that it focuses solely on printing and shipping passports. Applications that have been reviewed and adjudicated at other agencies are transmitted electronically to APC, which prints and mails the passports within 24 hours. Eight agencies currently transmit their work to Arkansas. The remaining nine agencies will be able to transmit their work by the end of September.

- APC has already printed more than 300,000 passports. When APC reaches full capacity, slated for the end of 2007, it will produce up to 10 million passports annually.
- The centralization of passport printing and mailing frees space and personnel at our existing passport agencies to focus on customer service and adjudication, thus processing more passport applications. The agencies that have begun remote issuance are already reporting significantly improved efficiency.
- We are increasing capacity at existing passport agencies, as well. Expansions are in the works for the Seattle, Miami, Boston, and Washington agencies. We are also on a fast-track process to acquire additional space for the National Passport Center. We are also exploring opening additional passport agencies later in FY 2008.
- As we bring on large numbers of new staff, we are making provisions to provide them with excellent training. We have secured space to establish a Western Consular Training Center, co-located with our Colorado Passport Agency in Denver.



Agencies	Total Staff on July 1					Total Hires					Planned Hires for 4th quarter FY 07*
	FY 03	FY 04	FY 05	FY 06	FY 07	FY 03	FY 04	FY 05	FY 06	FY 07	
BN	44	52	50	50	62	2	0	1	11	6	25
CG	60	65	80	71	102	0	1	0	8	6	25
CO	0	0	1	23	31	0	0	0	2	2	10
GPC	206	192	259	355	508	9	21	10	70	16	55
CT	24	25	24	30	39	0	0	0	4	4	10
HH	20	22	25	25	30	1	0	3	2	5	5
HN	53	55	57	82	95	1	0	5	5	5	50
LA	61	66	69	76	91	7	2	6	11	9	30
MM	60	61	68	80	88	5	8	4	9	4	45
NO	142	151	162	160	234	6	15	1	14	17	30
NPC	311	296	337	391	592	3	21	31	21	111	25
NY	59	64	62	66	68	2	0	0	2	8	30
PA	61	62	62	69	77	4	0	5	7	6	25
SE	61	64	63	69	83	1	2	5	10	2	30
SF	52	53	55	61	74	0	1	1	3	1	30
SIA	62	58	57	68	78	1	0	0	1	5	35
WN	59	58	66	76	108	1	0	2	2	7	400
Total:	1,335	1,344	1,477	1,752	2,370	43	74	74	185	225	

\* Pursuant to the Congressional Notification of June 2007, which authorized the reprogramming of \$36,900,000.

Ms. JACKSON LEE. And tell me whether or not there was an increased number.

Let me conclude, I want to put my appreciation in, but let me just give a sense of frustration. This is the kind of initiative that needed leadership from the top. This is where both secretaries recognized, and I have complimented it, I have critiqued, as we all do, recognized the mounting overwhelming of the system, and leadership should have come from the very top where either Congress was put on the line about emergency resources or flagging it potentially for emergency resources, because this is the front line of defense of our Nation.

Ms. HARTY. Yes, ma'am.

Ms. JACKSON LEE. And so we appreciate that we have now added language through DHS on this whole question of the Western Initiative, but the point is that we were suffering and in the suffering who knows what slip-up comes out of being overwhelmed.

And so this idea of a passport is for the security of all Americans. When I spoke to them one on one, as you will be out in the hot sun, people understood that, but they didn't understand flying from all over the country when someone told them show up for your passport, and then someone said, you know what, I think your passport is in the mail. So these were the challenges that we were facing, and I would only ask, and I will just ask for, Mr. Rosenzweig, a response possibly in writing, that I am asking for why we didn't have leadership at the top, structures in place, overtime personnel on line, new personnel on line, even though I know that you are hiring, to respond to what had to be someone surmising this is going to be a challenge.

Mr. Chairman, I thank you very much, and I thank the witnesses, and I am asking for a response in writing on these issues.

Ms. HARTY. Ma'am, if I might, I believe your last question is a question that I should answer for you. I will be happy to answer it in writing, but it is State Department personnel, not Homeland Security personnel.

Ms. JACKSON LEE. No, I understand that. I understand that the passport is, but I know this is a partnership. I understand that. I understand where the distinction is. I am saying that both secretaries working together on these issues, we sort of bifurcate the whole passport issue, identification issue, between what you do and what the DHS does.

What I am saying is there should have been this coordinated leadership at the top, raising the flag that we may have a crunch, and however, all of us should have been on the line of improving the situation in response to securing America but also addressing the needs of the American public, and that was my point.

Ms. HARTY. Okay.

Ms. JACKSON LEE. I thank you. I yield back. Thank you.

Mr. SHERMAN. I thank the gentlelady from Texas.

You have endured. It is almost 1:15. I want to thank Mr. Rosenzweig for his patience, and I want to thank Secretary Harty for the dedication she has shown to the mission of her bureau, and the detailed knowledge she had demonstrated in the entire passport process, and we clearly have some problems, but I am confident that you are the best person to deal with them.

Ms. HARTY. Thank you, sir.

Mr. SHERMAN. And we have enjoyed working with your Los Angeles office.

Ms. HARTY. Thank you.

Mr. SHERMAN. And I look forward to next year when we will be deprived of having quite so many opportunities to do so. Thank you very much.

Ms. HARTY. Thank you.

[Whereupon, at 1:12 p.m., the committee was adjourned.]



## A P P E N D I X

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### MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE DONALD A. MANZULLO, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. Chairman, thank you for holding this timely hearing today. I hate to say “I told you so” but in 2005 I predicted this train wreck. When I chaired the Small Business Committee, I held a hearing on the Western Hemisphere Travel Initiative (WHTI) in 2005 primarily to examine the effect of WHTI on small business. At the time, I said that because of the amount of commerce within the Western Hemisphere it “may make it next to impossible to fulfill the statutory mandate to require this enhanced documentation.”

I recognize that Congress gave the Departments of State and Homeland Security a difficult mission to implement within a short time period. I was one of the 75 Members to vote against the *Intelligence Reform and Terrorism Prevention Act of 2004* that contained the WHTI mandate. Yet, in many meetings my staff and I had on this subject, officials from State and Homeland Security expressed, now in retrospect, too much confidence in meeting the tight deadlines even after Congress gave an additional 18 months to comply with the law.

Since WHTI was implemented on January 23, my office has been inundated with frantic calls from constituents seeking passports to travel overseas. So far this year, my office has assisted 491 individuals with problems in obtaining their passports for travel. For all of 2006, my office helped just 51 constituents with passport problems. These calls are dominating the time of the caseworkers in my district offices.

Although we have been 99 percent successful in getting people the passports they need to travel, it has not been easy. Our caseworkers spend countless hours on the phone each day with panicked constituents who face the prospect of losing thousands of dollars and missing out on dream vacations if we cannot help them. And it seems we are always in crisis mode. Many passports do not get issued until two to three days before departure, and that is done with a continual push from my staff.

Despite constant monitoring and advocacy by my staff, some constituents do not receive their passports within 48 hours of departure. The last resort for these constituents is to take a day off work and travel to downtown Chicago—about two hours away—to get their passports on an emergency basis. I am told that although these constituents arrive before the required 7:00AM opening time, it generally takes all day to get their passports.

Mr. Chairman, you might not feel as bad if these were people who did not follow the rules and who waited until the last minute to get their passports. But a vast majority of the people who seek our assistance have done everything our government asked of them. They applied for their passports well within the allotted time to receive their passports on time for their departures. And yet, their vacations and thousands of dollars of investments are in jeopardy.

I applaud the State Department and DHS for trying to ease the situation last month when they agreed to allow people traveling to Mexico, Canada or the Caribbean to depart as long as they had receipts in hand showing they had applied for their US passports. But problems still occur. Some have applied, but the State Department website indicates the applications cannot be found and thus a receipt cannot be secured. In addition, many of the cruise lines in the Caribbean do not accept these receipts. This situation causes even more anxiety for my constituents.

I understand the goal of the WHTI, but its implementation has been a disaster. It has caused unnecessary anxiety and enormous amounts of work for my constituents and my staff. We must come up with an alternative way to enhance our secu-

city or make severe adjustments in the way we manage WHTI so we don't leave high and dry the people who followed the rules to get their passports.

That's why I am proud to be an original cosponsor of the *Protecting American Commerce and Travel Act of 2007* (H.R. 1061), introduced by our good friend and Chair of the House Rules Committee, Louise Slaughter of New York. The centerpiece of the PACT Act would give additional flexibility to our border officials to accept alternative documentation to cross our land boundaries. One side benefit of this proposal would reduce the pressure on our constituents to request a passport, particularly if secure state driver's licenses would be permitted as an acceptable travel document to go into Canada or Mexico.

In addition, I encourage the committee and the House leadership to expeditiously act on S. 966, which would give the Department of State the authority to re-hire Foreign Service retirees without harming their pensions through October 1, 2010 to temporarily increase more personnel to reduce the backlog on passport applications. S. 966 has already passed the Senate and it is time to send this bill on its way to the President's desk for his signature.

Again, thank you, Mr. Chairman, for holding this hearing today.

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PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF TEXAS

Thank you, Mr. Chairman, for convening this extremely important hearing. We are all very concerned by the extreme backlog in the passport system, and even more so by the apparent lack of adequate preparation that has led to the severe delays that our constituents are now experiencing. I would also like to take this opportunity to thank the Ranking Member, and to welcome our two distinguished witnesses: the Honorable Maura Harty, Assistant Secretary, Bureau of Consular Affairs, U.S. Department of State, and Mr. Paul Rosenzweig, Acting Assistant Secretary for Policy and Counselor to the Under Secretary for Policy, U.S. Department of Homeland Security. I look forward to your informative testimony.

Mr. Chairman, we all recognize the need to protect our nation, and to secure our borders. As a senior Member of the Committee on Homeland Security, this has long been a priority for me, and I appreciate the need to continually review and update the policies we use to permit entry into the United States. However, I believe that the current delays are far in excess of what is excusable.

I have witnessed the suffering of those waiting to receive passports first hand in Houston, where my office shares a building with the passport agency. I have spoken to the countless Americans who have carefully planned and saved money for family vacations, only to lose the money spent on plane tickets and hotel rooms when they are unable to procure passports. Families in which only one of many children receives a passport in time for travel. Businessmen and women who are unable to complete necessary overseas travel.

I would like to express my sincere appreciation for the men and women in the Houston field office, who have worked tirelessly to ensure that as many Americans as possible receive the necessary travel documents. Washington has let them down by failing to provide them with the adequate resources and personnel to successfully do their job, and it has failed the American people. This is a situation that demands leadership from the top.

These delays are largely a result of the recent implementation of the Western Hemisphere Travel Initiative, or WHTI, initiated to fulfill a Congressional mandate. WHTI requires that everyone traveling by plane from Canada, Mexico, Central and South America, the Caribbean, and Bermuda present a passport to enter the United States, as of January 23, 2007. It is expected between January 1, 2008 and June 1, 2009, these requirements to expand to include all travelers entering the United States, including those by land and sea.

Mr. Chairman, the State Department failed to anticipate and adequately prepare for the influx of passport requests resulting from these changing restrictions. Assistant Secretary Harty, who we will hear from today, admitted that the State Department made a mistake in her testimony before our colleagues in the Senate last month, stating "I think in some ways we drummed up business and more business than we had anticipated. It was a mistake, Sir. I'll accept that."

The State Department's mistakes in the preparation process, and the Department's subsequent inability to keep up with processing and issuing passports, has caused major problems for American travelers. The State Department has stated that the current processing time is 10 to 12 weeks, though we have heard complaints from citizens that it is taking over three months to receive a passport. Those who do not receive a passport in time, often despite paying for expedited service,

are forced to cancel their travel plans, often losing significant amounts of money spent on airline tickets and hotel reservations.

I do appreciate that the Departments of State and Homeland Security have made several policy changes to attempt to alleviate these serious problems. Among these are the temporary waiver extended to those flying between WHTI and the United States, who, until September 30, 2007, need only show a receipt verifying that they have applied for passports. However, this change will not address the underlying problem: the backlog of applications. Nor will it offer any assistance to those waiting on passports to travel to non-WHTI destinations. Similarly, State Department efforts to recruit additional passport processing personnel have failed to solve the problem. External recruits must be trained, while insufficient numbers of volunteers have been recruited from within State Department ranks.

Last month, Congress voted to delay the implementation of the second part of the new passport rules, covering land and sea travel, until June 2009, in the Homeland Security appropriation legislation. The Senate Appropriations Committee has approved a bill with similar language. While this legislation looks ahead to preventing a similar backlog when the second set of rules is implemented, it also does not offer any relief from current delays.

I firmly believe we must do all in our power to keep the American people, and our nation itself, safe. This includes constantly reviewing and, as need be, revising our entrance policies. However, I also believe that we owe it to the American taxpayers to do all we can to allow free travel. We must immediately work to address the ongoing passport backlog and delays. I look forward to hearing the testimony of our two witnesses, and to engaging with my colleagues on this extremely important issue.

Thank you, Mr. Chairman, and I yield back the balance of my time.

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U.S. Department of Homeland Security  
Washington, DC 20528



July 17, 2007

The Honorable Sheila Jackson Lee  
United States House of Representatives  
Washington DC 20515

Dear Representative Jackson Lee:

I am responding to the concerns that you expressed last week at the Hearing held by the Committee on Foreign Affairs regarding passport delays. I have been in contact with Assistant Secretary Maura Harty at the Department of State (DOS), and it is my understanding that she will be responding directly to you about passport production improvements, and the NPIC and Houston office in particular.

The Department of Homeland Security (DHS) fully supports the Department of State, the primary agency handling passport processing, to ensure that our national security is maintained without interrupting legitimate travel. On June 8, 2007, DHS and DOS jointly announced that U.S. citizens traveling to Canada, Mexico, the Caribbean, and Bermuda who had applied for but not yet received their passports, could temporarily enter and depart from the United States by air with a Government-issued photo identification and DOS official proof of passport application. This temporary travel flexibility accommodation is in effect through September 30, 2007. The official proof of application can be obtained from the DOS Web site, at [http://travel.state.gov/passport/get/status/status\\_2567.html](http://travel.state.gov/passport/get/status/status_2567.html).

On June 26, 2007, both DHS and DOS published the Notice of Proposed Rulemaking for the land and sea portion of WHTI, a core 9/11 Commission recommendation. We are incorporating a phased, deliberate approach to implementation, with a long transition period that ensures citizens will be able to obtain the necessary documents to satisfy WHTI. This will give U.S. citizens sufficient time to become accustomed to the new requirement at land and sea borders.

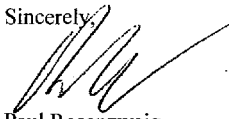
DHS is promoting alternative documents that could be used in lieu of passports at the land borders, such as the Passport Card that is being developed by DOS, and the SENTRI, NEXUS and FAST cards being issued by DHS. Working in conjunction with Washington State, we are moving forward to create an enhanced driver's license that can be utilized for entering the United States at land and sea ports of entry. While only DOS can respond to specific questions regarding passports, DHS will continue to support their efforts to address this record-breaking demand.



Hon. Sheila Jackson Lee  
United States House of Representatives  
July 17, 2007

I appreciate your interest in this matter, and I look forward to working with you on future homeland security issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Rosenzweig', with a stylized flourish extending from the end.

Paul Rosenzweig  
Counselor and Acting Assistant Secretary-  
International Affairs

WRITTEN RESPONSES FROM THE HONORABLE MAURA HARTY, ASSISTANT SECRETARY, BUREAU OF CONSULAR AFFAIRS, U.S. DEPARTMENT OF STATE, TO QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE JOSEPH CROWLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

*Question:*

*The current situation in applying for and the processing passports is unacceptable. I would like to site one specific example of a case my district office was working on and that I had to personally intercede with. A family of five all applied for passports at the same time for a vacation overseas, leaving themselves 15 weeks for the process. In the run up to the vacation only one out of the five received a passport. Now this was 15 weeks of waiting, 15 weeks and only one out of five was received. Thankfully they were able to obtain the remaining four passports before the trip, but only after I had personally called the passport agency. What are you doing to make sure these types of incidents do not occur in the future?*

*Response:*

The Department has developed an action plan to reduce the backlog of passport applications in our system and return to our traditional service standard for routine applications of six to eight weeks by September 30, 2007. We will achieve this goal through a combination of increased personnel resources, targeted work transfers, and maximized production capacity at our mega-processing centers.

The Department estimates that we will require at least 300 volunteers to meet the target. Toward that end, we have solicited Department volunteers, including Foreign Service Officers currently assigned to posts overseas, with the plan of deploying experienced adjudicators to task forces to be located at the National Passport Center, the Washington Passport Agency, an annex in Washington, DC, and the New Orleans Passport Center. We also are expediting the hiring of approximately 400 new passport specialists during the fourth quarter of FY 2007.

*Question:*

*Like many of my colleagues on this committee, my district offices have been assisting constituents in obtaining passports. This increase in passport requests came about when State has instituted the January 23rd expansion of passport requirements for travelers returning by air from Canada, Mexico, and the Caribbean. Why didn't the State Department increase processing resources to head off the massive backlog of passport applications given the winter and summer's peak travel season?*

*Response:*

We have been planning for increased demand since Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004, requiring that all travelers have a passport or other secure document for travel into and out of the United States. We planned for a sharp increase in passport applications based on our projections of anticipated travel plans and the results of a survey performed by an independent contractor. We projected we would receive 16.2 million passport applications in FY 2007. We ramped up capacity to meet this demand:

We hired over 2,500 employees in Passport Services in less than three years—passport adjudicators, fraud prevention managers, line supervisors, and the contractors who perform critical support functions at our passport agencies. We will hire an additional 400 passport specialists/adjudicators this fiscal year and will continue to increase that number to ensure our resources match projected demand.

We have hired more than 290 additional passport adjudicators, increasing from 487 in FY 2005 to 822 today.

In January 2006, we added a second shift at our Charleston Passport Center and implemented 24/7 operations at our National Passport Center.

In October 2005, we opened a 17th passport agency in Colorado to meet the travel needs of citizens throughout the Rocky Mountain region.

We expanded our agencies in Houston, New Orleans, Boston, Chicago, and Seattle.

We implemented the National Training Program (NTP) for Passport Specialists, a two-week basic training course designed to introduce new specialists to passport adjudication.

We increased the number of passport acceptance facilities to over 9,000 facilities nationwide.

We implemented a Centralized Appointment System, which allows customers to schedule appointments through the National Passport Information Center for any of our domestic agencies.

We implemented an online status check service. This service, available through the CA website, [travel.state.gov](http://travel.state.gov), allows customers to check the status of their passport application as it goes through the processing stages.

We expanded our lockbox service with two sites, one in Delaware and another in California, which operate 24/7. By expanding lockbox coverage from one central site to two, the Department now has increased processing operations and service capacity.

We posted all passport application forms online on the CA website, [travel.state.gov](http://travel.state.gov). Customers can fill out the form online or download a blank form. Passport application forms completed online are printed with a barcode, which allows the information to be automatically entered when the application arrives at an agency.

*Question:*

*Recently, the department's website extended its recommended lead time for passport processing—telling Americans to apply at least 12 weeks before they plan to travel. This is nearly twice the time normally needed to process passports. Many of my constituents have reported that the process is taking more than 12 weeks, which is absolutely unacceptable. At present, how long does it take to issue a passport after someone has applied for it? Does the Department of State have a target date from the time the application is sent in?*

*Response:*

As of July 20, routine processing time is 10–12 weeks, with expedited requests taking 2–3 weeks. Of course, specific cases can require considerably more time if the documentation provided with the passport application requires authentication or is inadequate to verify identity or adjudicate citizenship.

We are working very hard to reduce the overall number of pending passport requests and to return routine processing time to less than six weeks. As a service to our customers, our website [travel.state.gov](http://travel.state.gov) provides up-to-date information about how much time is required to process passport applications.

*Question:*

*Where has the failure to meet the demands of passport applications stemmed from? Is it due to a lack of funding, man-power, or is it a failure of the broader management?*

*Response:*

The first key factor related to the Western Hemisphere Travel Initiative (WHTI) was limited data sources available for projecting the impact of the air requirement. We projected we would receive 16.2 million passport applications in the course of FY 2007, but we are now on pace to receive almost 18 million—about a million and a half more than we projected. We did not anticipate the record-setting, compressed demand that began in January 2007, when applications increased dramatically in a very short time frame. In the final months before WHTI implementation in December 2006, we received approximately one million applications. Then applications spiked sharply: 1.8 million in January, 1.7 million in February, 2 million in March—5.5 million applications in a very short period of time. Our receipts, therefore, far exceeded our ability to keep pace with them in the traditional timeframe. Our average processing time lengthened from six weeks in December to 10–12 weeks today.

The other contributing cause, apart from WHTI, is the increasing number of passport applicants who have no immediate travel plans, but recognize the U.S. passport as a premier citizenship and identity document.

We significantly increased capacity—personnel and physical facilities—in preparation for this first phase of WHTI, and will continue to do more of the same in preparation for the land/sea phase of WHTI. In the short-term, we are utilizing additional staff from across the State Department to help reduce the number of pending applications in our system and to return to our traditional processing time of six to eight weeks by September 30, 2007. Simultaneously, we are aggressively adding resources to meet the demand of the land/sea phase of WHTI.

*Question:*

*What do you plan to do to prevent another passport backlog when the second phase of the Western Hemisphere Travel Initiative (WHTI) is instituted? Will this phase be implemented during a slower time period of the year for passport applications? When is that, and what will you do differently?*

*Response:*

It is clear that implementation of the Western Hemisphere Travel Initiative (WHTI) has created a permanent increase in passport demand. We currently project the demand for passports to be 30 million or more by 2010. We are increasing our staffing levels to meet this demand and will continue to do so if demand continues to rise. On June 8, the Department sent a formal Congressional Notification regarding plans to re-program nearly \$37 million for the FY 2007 Border Security Program. We will use the additional funds to hire 400 new passport employees this fiscal year, and to expand facilities at the National Passport Center and the Miami Passport Agency. We plan to add 400 more passport adjudicators in FY 2008.

We are also implementing long-term strategies to streamline production. Chief among these is a new approach to passport production represented by the Arkansas Passport Center (APC). APC differs from our other passport agencies in that it focuses solely on printing and mailing passports. Applications which have been reviewed and adjudicated at other agencies are transmitted electronically to APC, which prints and mails the passports within 24 hours. Eight agencies currently transmit their work to Arkansas. The remaining agencies will get the necessary retrofit to transmit their work by the end of September.

The centralization of passport book printing and mailing frees up space and personnel at our existing passport agencies to focus on the critical areas of customer service and adjudication, and process more passport applications. The agencies that have begun remote issuance are already reporting significantly improved efficiency. Building on our successful experience with APC, we plan to open a similar printing and shipping facility, also with the capacity to produce 10 million passports per year, in 2008. When ready, passport cards also will be prepared at these two printing facilities.

We are increasing capacity at existing passport agencies, as well. Because we have outgrown the current facility in Miami, we will move to a new facility that will expand our footprint there from 18,000 to 28,000 square feet. We are on a fast-track process to acquire additional space that will more than double the size of the National Passport Center to over 100,000 square feet. This will allow us to increase the staff size to over 1,000, and more than double NPC's capacity to receive, adjudicate, and issue passports from 5 million per year today to over 11 million per year. Expansions are also in the works for the Seattle, Boston, and Washington agencies. We hope to complete these renovations and expansions as soon as possible. We are also exploring opening additional passport agencies later in FY 2008 and FY 2009.

In regard to timing of the land/sea phase of WHTI, DHS and State indicated in a joint Notice of Proposed Rulemaking (NPRM) issued June 20, 2007 that the next phase could be implemented as early as summer 2008. The final date will be determined based upon a number of factors.

We believe that these long-term strategies will provide the staffing levels and infrastructure to meet the increased demand for travel documents issued by State when the final phase of WHTI is implemented.

*Question:*

*Will the Foreign Service Officers who have been hired be trained in time for the implementation of the second phase of WHTI?*

*Response:*

The Bureau of Consular Affairs has an aggressive recruitment campaign to hire and train 400 new passport employees, primarily Passport Specialists, during the fourth quarter of FY 2007. Another 400 employees will be hired in the first quarter of FY 2008. With this additional staffing, the Department will be well positioned to meet the anticipated surge in passport demand as we implement the land/sea requirement for the Western Hemisphere Travel Initiative.

Passport Specialists are full-time Civil Service employees who adjudicate applications by determining U.S. citizenship and identity. All newly-hired Passport Specialists attend our National Training Program, a two-week course designed to provide basic passport adjudication and other essential training. In addition, regular and extensive on-the-job training and work audits occur throughout a Passport Specialist's entire career. Within three to six months after receiving the NTP training, Passport Specialists are expected to be able to adjudicate independently, with supervisors checking their work and providing feedback as necessary.

*Question:*

*I have heard reports of people paying over \$100 for a passport application. For first-time applicants, the Postal Service charges \$30 processing fee, plus \$15 for*

*photos, in addition to the \$67 to the State Department. The fee for a passport renewal is \$67, while expediting the process is available for \$189.50 (not including photos).*

*Response:*

Official passport application fees are as follows:

*Standard Fees*

\$67	Adult Passport Application Fee
\$52	Child (16 or under) Passport Application Fee
\$30	Execution Fee

Required for adults applying for the first time or who were issued a passport more than 15 years ago or before their 16th birthday.

Required for all applicants 16 and under.

(Note: This fee is paid directly to the passport application acceptance agent, such as an authorized employee of the passport agency, the U.S. Postal Service, a state or local clerk of court, or other designated entity)

\$97	Total mandatory fees for non-standard adult renewal, such as lost/stolen passport (\$82 for minors; \$67 for standard adult renewals, as defined above)
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*Optional Fees*

\$60	Expedited service (2–3 weeks)
\$60	File search fee (charged if evidence of citizenship is not presented)

Photographs: Applicants are required to submit photographs. A variety of public and private vendors provide photographs that meet the required standards. Vendors set their own fees.

“Courier fees:” A number of private vendors also offer passport application “courier” services. For example, vendors wait in line for applicants to submit passport applications directly to the Passport Agency and receive same-day or next-day service. These private vendors set their own fees.

